United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, OCTOBER 26, 2000 *No. 136*

Senate

(Legislative day of Friday, September 22, 2000)

GOP ATTACK ON VICE PRESIDENT GORE

Mr. LAUTENBERG. Mr. President, last month, and again last week, the Republican staff of the Senate Budget Committee released two reports criticizing what they wrongly described as the economic plan proposed by Vice President GORE and our distinguished colleague, Senator LIEBERMAN. I wanted to come to the floor to discuss these reports, which I believe were inappropriate, and a misuse of taxpayer dollars. They also were grossly inaccurate and unfair.

Let me read from a section of the Senate Ethics Manual.

CAMPAIGN USE OF OFFICIAL RESOURCES

Official resources may only be used for official purposes. It is thus inappropriate to use any official resources to conduct campaign or political activities.

Mr. President, as we all know, and the Senate Ethics Manual makes clear, it is inappropriate to use any official resources to conduct campaign or political activities. Of course, it can be difficult to draw a clear line between official Senate business and campaign activities. And reasonable people can disagree about many of the documents that are produced routinely here in the Congress. But, having said that, the reports issued by the Budget Committee staff, in my view, go well over the line. These reports are focused entirely on AL GORE's campaign proposals, or at least the staff's erroneous interpretation of those proposals. And their obvious purpose is not to provide an objective analysis, but to attack the Vice President. These staff reports aren't just biased, they're pure propaganda. And I would note that the latest report was issued just hours before the last Presidential debate. Not surprisingly, they issued no comparable critique of Governor Bush's budget plan.

Now, Mr. President, I recognize that the Budget Committee is not like the Joint Committee on Taxation, which is supposed to operate in a nonpartisan manner. The Republican staff of the Budget Committee makes no pretense to being nonpartisan, and serves only on behalf of Republican Senators. So one would expect them to issue reports that further a partisan agenda. But, Mr. President, that does not justify the issuance of reports that are so obviously intended for campaign purposes, and that are so blatantly misleading and factually inaccurate.

Mr. President, I could take a long time reviewing the many flaws of the Republican staff reports, but let me

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Records@Reporters''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

mention just a few. Perhaps most importantly, the reports dramatically and inappropriately exaggerate the costs of the Gore plan. First, they suggest that the Vice President's $360 billion Medicare ''lock box'' represents new spending that somehow would use Social Security funds and increase the budget deficit. This claim is preposterous. In fact, the Medicare lock box reserves funds for debt reduction, not new spending. It wouldn't spend a penny of Social Security surpluses, or any surpluses, for that matter. Yet by, in effect, counting as spending the $360 billion Medicare lock box, and an additional $99 billion of General Fund transfers to Medicare, the Republican staff has artifically created a $450 billion raid on Social Security that simply does not exist. And, Mr. President, that's just the beginning.

The GOP staff also charges the Vice President with the costs of budget proposals put forward by President Clinton, even though the Gore plan clearly does not endorse the entire Clinton budget. This results in doublecounting many similar proposals put forward by both Clinton and Gore, such as their different retirement savings plans. And, of course, it exaggerates the real cost of the Gore/Lieberman plan. Another way that the GOP staff inflates the costs of the Gore plan is to adopt its own scoring rules. The GOP staff went well beyond the scoring of the Congressional Budget Office or the Office of Management and Budget. It created its own special methods of evaluating the costs of the Vice President's proposals. And it shouldn't come as any surprise that they lead to much higher cost estimates.

Take, for example, the Vice President's Retirement Savings Plus proposal, which the Gore campaign says would cost $200 billion. The Republican staff cites a figure of $750 billion. This number is simply made up, and is not backed up by any official CBO or OMB estimate. Similarly, the GOP staff exaggerates the cost of Vice President GORE's preschool proposal. Their report characterizes the Gore plan as if it were an open-ended entitlement, with no state match. That leads to much higher costs. In fact, though, the Gore proposal is for block grants that require a state match.

Another trick that the GOP staff used to create a misleading impression about the Vice President's proposal was to deviate from standard practice and use a so-called ''freeze baseline.'' In other words, the GOP staff counted as a cost of his plan $1.2 trillion in discretionary spending, and related interests costs, that simply reflect the costs of maintaining current policy. These costs normally are considered part of the budget baseline, not new spending. The well-respected, nonpartisan Center on Budget and Policy Priorities made this point in a sharp critique of the GOP staff report. The Center concluded that the Budget Committee's analysis, and I quote, ''is marred by several serious flaws''—unquote—which the Center said inflate the cost estimate assigned to the Gore plan.

Mr. President, the Republican staff was so intent on slandering the Vice President as a big spender that they went to extremes in characterizing some of his proposals. The GOP staff calls anything new spending—even tax cuts. Look at what they include in their long list of new ''spending and regulatory programs'':

Marriage penalty relief.

A long-term care tax credit.

A disabled workers tax credit.

Mr. President, is marriage penalty relief ''new spending''? Even George Orwell wouldn't go that far. In fact, the GOP staff's blacklist goes beyond tax cuts. It even includes gun control. Closing the gun show loophole. Banning junk guns. Requiring mandatory gun safety locks.

Mr. President, would closing the gun show loophole amount to a return of Big Government? Would requiring gun manufacturers to include trigger locks amount to a whole new spending program? I don't think so.

Mr. President, I could go on and on about the Republican report, but I won't. And, frankly, the misstatements and distortions in their report are only part of the problem. This report should not have been produced in the first place. It's obviously intended to be used in the presidential campaign to harm the Vice President. And it's just not the type of report that should be produced with taxpayer dollars. Campaign materials should be produced by campaigns, Mr. President, not congressional staff. And, at a minimum, if reports on issues related to the campaign are issued, especially this close to an election, they ought to at least be fair and accurate. I don't think that's too much to ask, Mr. President.

Let me recite some facts on GORE and the size of Government.

Under the Clinton-Gore administration Government is smaller: Between 1981 and 1992, the size of the Federal civilian workforce increased. Since 1993, however, the Federal workforce has been reduced by 377,000—a 17 percent decline.

The Federal workforce is now the smallest since the Kennedy administration in 1960.

Under the Clinton-Gore administration Federal spending is lower: Spending as a share of GDP increased between 1981 and 1992—rising from 21.7% to 22.5%. Since 1992, however, federal government spending as a share of the economy has been cut from 22.2 percent to 18.7 percent in 1999—its lowest level since 1966.

Although Bush promises to reduce government, under him, Texas government spending increased at twice the rate of the federal government. While the Federal workforce has been reduced by 17 percent, under George Bush, Texas has added 6,200 bureaucrats—a 2-percent increase.

With that, I will yield the floor.

THE OLDER AMERICANS ACT AMENDMENTS OF 2000—Continued

Mr. WELLSTONE. Mr. President, I rise today to voice my strong support for the passage of H.R.782, The Older Americans Amendments Act of 1999. Even with the support of seniors' advocacy groups, it has taken the Congress a full five years to reach bipartisan agreement on this legislation. We should not miss this opportunity to keep our commitment to our most vulnerable senior citizens. I want to applaud the persistence, commitment, and leadership of Chairman JEFFORDS and Senators DEWINE, MIKULSKI and KENNEDY, their staffs, and other colleagues on the HELP committee who have been unwilling to give up during this long process.

With the enactment of the Older Americans Act in 1965, Congress created a new Federal program specifically designed to meet the social services needs of older people. In 1972, Congress added the best known program ''Meals on Wheels'' which brought nutritionally balanced meals to seniors' homes or to seniors in congregate settings. In Minnesota alone, 185,000 seniors benefit from this seniors' meal program. Whenever I talk with seniors or their family members in Minnesota, I hear about this valuable service that provides seniors with necessary nutrition and, in the congregate settings, necessary socialization.

On the 35th anniversary of the Older Americans Act, it is fitting that in a bipartisan bicameral manner we vote to continue the Act's broad policy objectives of providing programs related to health, housing, long-term care, employment, retirement, and community services for low and moderate income seniors. I hope the Senate will overwhelmingly pass this legislation, as did the House yesterday, and signal America's continuing commitment to our senior citizens.

In addition to Meals on Wheels, this legislation continues the popular senior jobs program which provides financial help for needy seniors, provides them with a sense of meaning and usefulness, and also expands their opportunities for needed socialization. During the 1999–2000 program year, Green Thumb (one of the grantees) in Minnesota has exceeded the major goals set by Congress and the Department of Labor, DOL, for job placement, while serving 1,188 mature job seekers. In addition, Minnesota seniors provided nearly 640,000 hours of community services to almost 500 public and nonprofit ''host agencies'', including schools, hospitals, rest homes, libraries, parks, senior dining sites and senior centers, museums, and many more.

During this past winter, Green Thumb in Minnesota engaged in a special partnership with the Census Bureau to assist in recruiting older census workers. As a result of Green Thumb's advertising, over 2,700 mature workers were referred to the Census Bureau. With support of the Older

Americans Act, Green Thumb provided job counseling and training to most of these workers.

In total, for the 1999–2000 program year, approximately 2,260 Minnesota seniors were placed in jobs through all the grantee programs in the state. Programs like these are invaluable for the seniors involved, for their families, and for communities. We must vote to continue them.

This legislation also contains a number of new programs which I wholeheartedly endorse because I believe they will protect seniors and provide support for their families and communities. Most noteworthy is the National Family Caregiver Program which is authorized at $125 million. Minnesota will receive about $1.8 million for the program. The Caregiver Program will provide grants to states for the following long-term care services: information about available services to caregivers, whether they be spouses, children, or grandchildren; assistance to caregivers in gaining access to services; individual counseling; organization of support groups and caregiver training to help families make decisions and solve programs related to their care giving roles; and, perhaps most important of all, respite services to provide families temporary relief from care giving responsibilities.

This legislation also authorizes new programs for protection of older women from domestic violence and sexual abuse, rural health care model programs, and computer training. There are also grants to establish multi- disciplinary centers of gerontology to do research and train people in different disciplines to work with the elderly. As our elderly population grows so does the need for appropriately-trained people to meet their health and social needs.

Every program in The Older Americans Amendments Act of 1999 is needed and will contribute to the emotional and physical well being of our seniors, those who love them, and the communities in which they live. I urge all of my colleagues to vote for this bill.

Mr. BYRD. Mr. President, it is with great pleasure that I support H.R. 782, the Older Americans Act Amendments of 1999. This legislation, of which I am a cosponsor, has been a long time coming. For five long years, senior citizens have been anxiously awaiting the reauthorization of the Older Americans Act, and seniors in my home state of West Virginia have felt betrayed by the failure of Congress to reauthorize this bill. Betrayed, Mr. President. That is why I am so pleased that, in the final days of the 106th Congress, the Senate has the opportunity to vote on this much-needed legislation.

According to the West Virginia Bureau of Senior Services, in Fiscal Year 1999, the Older Americans Act made it possible for approximately 50,459 seniors in West Virginia to have access to vital services like transportation, congregate and home delivered meals, adult day care, and health screenings. In addition, 676 seniors in West Virginia were able to move into the work force through Title V, the Senior Community Service Employment Program. These programs have surely helped many, many seniors, Mr. President, and I am pleased that the Senate is demonstrating how important our nation's oldest citizens are by reauthorizing the Older Americans Act.

I am also pleased that this legislation would establish a new National Family Caregiver Support program, which would include respite, adult day care, and home care services for individuals with the greatest social and economic needs. With West Virginia having the country's oldest population for the second year in a row, and with more than fifteen percent of West Virginia's seniors who are age sixty and older considered to be living in a state of poverty, the National Family Caregiver Support program will offer much-needed assistance for home-bound seniors and their families, who are struggling to cope with the emotional and financial burdens placed on them.

In June of this year, I was fortunate to attend, and speak at, the first-ever International Conference on Rural Aging, held in my home state of West Virginia. This conference was an historic opportunity for global leaders in the aging community to converge and explore the various challenges facing the exploding senior population, both in the United States and across the globe. Of the many issues that were addressed at the conference, including the lack of access to quality health care and vital services, loss of independence and autonomy, and lack of proper elderly nutrition, I am proud to say that the Older Americans Act offers seniors programs that support their desire to remain in their own homes and live independently. The Older Americans Act gives seniors, in both urban and rural areas, the opportunity to maintain a high-quality of life and the opportunity to feel like active participants in their communities. Among the highest concerns of the elderly in the United States, the need for reauthorization of the Older Americans Act has been labeled a critical priority for keeping pace with the rapidly growing aging population.

I would like to point out, Mr. President, that Copernicus was 70 when he argued that the sun, not the Earth, is the center of the cosmos. Grandma Moses was in her 70s when she started painting. Claude Monet painted his famous water lilies at the age of 74. My friend from Ohio, former Senator John Glenn, ventured back into space at the age of 76. Benjamin Franklin was 79 when he invented bifocals. These remarkable individuals were most certainly contributing to society well into what society would consider the ''Golden Years.'' By reauthorizing the Older Americans Act, we are not only giving many other ''golden seniors'' the opportunity to contribute to society, but we are acknowledging the sense that we value them and we are proud to invest in them. I am proud to support this legislation, and I encourage all of my colleagues to do so as well.

Mr. HARKIN. Mr. President, it is truly a privilege to be here today to speak in support of this important reauthorization of the Older Americans Act. I want to thank Senators JEFFORDS, DEWINE, MIKULSKI and KENNEDY for their leadership and steadfast work toward bringing this for us to consider today. As you know, this is the first reauthorization of these programs in eight long years. The House passed H.R. 782 on a vote of 405–2 yesterday. It's time has come today.

The Older Americans Act is the most important Federal senior's services program and has provided essential services to our nation's seniors for the last 35 years. In particular, the program has provided services to those seniors who are vulnerable because poverty, frailty or isolation. As America gets older, we have a growing need for the services and programs authorized by the OAA. We in Iowa have the highest percentage of seniors over the age of 85 in the country. We are ranked 5th in the nation in our percentage of seniors over the age of 65. The services provided through the Older Americans Act provide a lifeline to many of my constituents.

I'm proud to support the strengthening of programs such as congregate and home delivered meals, family caregiver support, in-home services for the frail elderly such as those with Alzheimer's disease, home health, and the senior community service program. These programs help Iowa seniors live independently and remain in their homes and communities.

One of my constituents told me recently what the OAA means to her: Virginia Mehl, who lives in a rural town in Iowa, had never worked away from her farm home. At the age of 79, faced with the death of her husband, she had to go and find work, cleaning an office. Suffering from fibromyalgia, she was having a real tough time. Thankfully, someone pointed her to Green Thumb, one of the organizations administering the senior community service employment program. With their help, Mrs. Mehl learned computer and office skills, enabling her to be placed in the office where she now works. She told me: ''Green Thumb is the best thing that ever happened to me. [I have] the opportunity to learn new skills, meet new people, and pay for my aqua-exercise classes which I need for my disease.''

Mrs. Mehl is just one example of how the Older Americans Act has been an extraordinary vehicle for helping hundreds of thousands of senior Americans obtain the training and job experience needed to improve their lives and provide economic independence, changing the negative stereotypes about aging, encouraging seniors to embrace new technology and keep up with the changing face of our economy.

Seniors in our States have been calling on us since 1995 to reauthorize these important programs. Today, at long last, and with strong bipartisan cooperation, we will do just that.

Mr. REED. Mr. President, I rise today to echo the strong support of my colleagues for the reauthorization of the Older Americans Act.

In July, we celebrated the 35th anniversary of the Older Americans Act, a milestone for a program that has meant so much to millions of America's seniors. The Older Americans Act brings critical support services to the elderly in communities throughout this nation and has greatly benefitted seniors in my State.

The long overdue reauthorization of this Act is particularly significant for the State of Rhode Island. The Older Americans Act has had a long and rich legacy in my State since the Act's inception. Indeed, former Rhode Island Congressman John Fogarty played a key role in authoring the original Act, and I am pleased to have played a role in the reauthorization of this historic Act.

Since 1965, thousands of Rhode Island seniors have enjoyed the benefits of Older Americans Act programs—from congregate and home delivered meals, senior center programs, protective and legal services for the elderly, among other essential programs and services, all of which have brought comfort and enrichment to the lives of seniors in my State. For example, this year, Older Americans Act funding has helped to provide the following services to seniors in my State: 667,101 congregate meals at 74 sites; 540,008 home delivered meals; and 3,500 clients served through the home visitation program.

For many unfortunate reasons, authorization of this legislation lapsed in 1995 and since that time, Congress has been wrangling with its reauthorization. And if it were not for the hard work and sheer determination on the part of Senators JEFFORDS, KENNEDY, DEWINE, and MIKULSKI and their staffs frankly we would not be here this afternoon. I would also like to recognize Janette Takamura, the Assistant Secretary for Aging, for her insights and expertise that have proven invaluable throughout this process and for her tremendous leadership at the Administration on Aging. Indeed, getting to this point has not been easy. I commend my colleagues for their diligence and willingness to compromise on key issues, and I have been pleased to support these efforts.

Their long and hard work has resulted in a thoughtful and balanced bill that lays out a vision for Older Americans Act programs for the next several decades. Specifically, this legislation streamlines and updates existing programs and authorizes new programs designed to meet the needs of the growing population of American seniors and their families in the coming century.

In particular, as an original cosponor of S. 707, legislation introduced by Senators GRASSLEY and BREAUX, I would like to highlight the inclusion of the Family Caregiver Support program in the Older Americans Act reauthorization. The Family Caregiver Support program is designed to meet the critical needs of families who are caring for loved ones with chronic illnesses or disabilities. This program will support respite services for caregivers, counseling and caregiver training and information about additional support services in the community.

Family caregivers are the unsung heros in the provision of long-term care in this country. Nationally, more than 7 million Americans serve as caregivers for relatives, friends and loved ones. Last Fall, I held a Special Senate Committee on Aging field hearing in Rhode Island to explore the burdens and challenges that face family caregivers in my State.

My home State of Rhode Island has the third highest concentration of people over the age of 65 in the Nation, has enjoyed a longstanding commitment to community-based services for the elderly.

Consequently, over 90 percent of Rhode Island seniors are living outside of institutional-based care settings, thanks in large part to the selfless contributions of families and friends in providing elders with the support they need to remain in their homes and communities.

Indeed, my State has already begun to work on creative ways to provide caregivers the resources they need. Recently, the Rhode Island Department of Elderly Affairs was one of 16 national recipients of an Administration on Aging demonstration grant to develop and implement a model to provide training, support and qualified respite care for Alzheimer's families. Monies provided through the new Family Caregiver program under the Older Americans Act will greatly help to fortify and expand ongoing home- and community-based initiatives in my State.

I would also like to commend my colleagues for the inclusion of funding under Title IV to help States start to address the transportation needs of our Nation's seniors. Indeed, in Rhode Island, there is a growing demand from senior centers for transit vans to move seniors who cannot drive and are not served by regular mass transit. This is an issue of growing importance in my State, and I look forward to further considering ways to improve senior transit.

In closing, I would again like to express my appreciation to my colleagues and their staffs for their tremendous efforts to reauthorize this monumental piece of legislation. Thank you, Mr. President.

Mr. GORTON. Mr. President, I am pleased to be a cosponsor of Older Americans Act amendments of 2000. Seniors are a vital part of our community. The programs authorized by this Act help make sure low-income and frail seniors have every opportunity to stay independent, in their own homes, and remain a part of the community. Through meals on wheels and the congregate meal program thousands of seniors in Washington state whether homebound or not, receive nutritious meals and an opportunity to socialize with their peers. Through community service employment many low-income seniors who have poor job prospects have been meaningfully employed in a wide range of activities including education, health care, senior centers and nutrition services for older people. This reauthorization makes sure these needs will continue to be met.

In addition this bill funds activities to protect the rights of the vulnerable elderly through the long-term care ombudsman program which provides volunteer advocates for seniors living in nursing homes and other long-term facilities; through programs to prevent elder abuse, neglect and exploitation; and through assistance programs for insurance and other public benefits.

This year's authorization also includes an important new addition to the Older Americans Act—the National Family Caregiver Support program. Thousands of families are choosing to care for their senior parents and grandparents in their own homes. This can be a wonderful option for seniors who are no longer able to live independently but may not need or want the full time care of a nursing home, or for those seniors unable to afford assisted living arrangements. Counseling, training and respite care will be available to family caregivers. These services will also be made available to grandparents who are caregivers to children.

I deeply believe that seniors in this country should continue to have access to the quality services they have received in the past from the Older Americans Act. This reauthorization not only accomplishes that goal but includes needed improvements. My only regret is that I was unable to be here in person to vote in favor of its passage.

Mr. FRIST. Mr. President, I am pleased today to support passage of the Older Americans Act (OAA) Reauthorization. This Act has been providing a wide range of services, such as a community service employment program, nutrition services, and research, training, and demonstration activities since 1965 for older persons, especially those at risk of losing their independence.

One such service is the Act's nutrition program, which provides millions of meals to older persons in congregate settings, such as senior centers, and to frail older persons in the comfort of their homes. The nutrition program is the Act's largest program providing meals to people who are generally older, poor, and living alone. Most significantly, this program is often the most important source of a balanced, nutritious meal for its elderly participants. While these seniors need some assistance securing adequate meals for themselves, through OAA they don't have to give up living on their own to ensure they have proper nutrition.

In an effort to expand other home-based services, this bill authorizes $125 million in appropriations for a National Family Caregiver Support Program. The new caregiver program which will provide grants to support families and other providers of in-home and community care to older individuals, to develop innovative approaches to caregiving, and to link family support programs with programs for persons with mental retardation or related developmental disabilities and their families. This provision will help not only our seniors, but their families who are struggling to care for them in a home environment rather than a nursing home.

Another example of how OAA helps seniors keep their independence is through the senior community service employment program, which provides opportunities for part-time employment in community service activities for unemployed, low-income older persons. One goal of this program is to increase the income of these persons, however the broader goal is to assist them obtain jobs and become more self-sufficient. While the program supports over 61,500 jobs for elderly Americans, we all benefit from its efforts. Its participants are enthusiastic additions to our labor force, eagerly taking on jobs in community service that might otherwise go unattended. The participants are eager to enter the workforce and are often hired into other jobs outside of the program because of their strong work ethic.

In my home state of Tennessee, 1,224 positions have been established for the senior community service employment program through 1999. During that same year, 547 older Tennesseans were placed into the workforce outside those positions, which means that Tennessee has a rate of 45 percent for transitioning these subsidized part-time jobs into employment outside the program. Of the four senior community service employment program grantees operating in Tennessee, Green Thumb is the oldest and largest, serving 744 elderly Tennesseans during 2000. Green Thumb is currently transitioning 65 percent of elderly Tennesseans from their training program into the workforce, or in other words, at a much higher rate than the national average.

In Tennessee, the seniors served by the senior community service employment program are typically destitute women, with little to no job experience and the inability to pay for food and other basic needs. I recently heard the story of 83 year old Nell Taylor of Trenton, Tennessee. Ms. Taylor has worked at the Department of Human Services in Trenton since 1987 after starting with Green Thumb in 1985. As a result of her experience in the program, she wrote, ''I am so thankful to know I have a job in DHS for it makes me feel like I am wanted and I am important.''

Other stories illustrating the success of this program are those of Elizabeth Powell and Marion Perry. Elizabeth Powell is a teacher's assistant, who also tutors individuals in the ''English as a Second Language class,'' at the Rhea County Adult Education program in Dayton, Tennessee. At 69 years of age, Ms. Powell inspires students having received her own GED at age 58 and knowing personally how the lack of a diploma or GED hinders job opportunities. Marion Perry of Etowah, Tennessee, is a 57-year-old, part-time school bus driver who needed a second job to support his family, which includes several adopted and foster children of various nationalities. Within a couple of weeks, Green Thumb assisted Perry in securing a job as a security guard with a local company.

These few programs I've mentioned today, together with the many other services and activities established by OAA, are providing our elderly Americans with needed services, helping them maintain their independence, and affirming the valuable role they play in our community. I would like to thank Senator JEFFORDS and Senator DEWINE for their leadership on this issue. I would also like to thank Senator KENNEDY for his work and dedication to this issue.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I yield to the Senator from Ohio 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, in half an hour we are going to have the opportunity to cast two votes. The first vote will be on the Gregg amendment. The second vote will be on the Older Americans Act. We have the opportunity to do something that Congress has not done for 8 years; that is, to reauthorize and change and improve the Older Americans Act. For 5 years this bill has not been reauthorized. It is time we do it.

Let me be very candid and very blunt about the amendment of my colleague from New Hampshire. I understand his concerns. He has expressed them very well. The reality is we have taken his concerns into consideration, and we have done more than that, we have incorporated them into this bill. So the bill we will ultimately pass today, I certainly hope without the Gregg amendment, will reflect what my colleague from New Hampshire has already contributed. That has already been done. He should be very proud of that because he has been the voice talking about accountability.

The bill that is in front of us is a bill that needs to pass. Lest anyone make a mistake about what is at stake on this first vote on the Gregg amendment, if the Gregg amendment is agreed to, the Older Americans Act reauthorization will die. It is as simple as that. We have taken a long time to get to this point. We are in the last few days of this Congress.

The House of Representatives, that has been working with us so very closely, passed this identical bill yesterday by an overwhelming vote, with only two votes against it. The idea we would be able to add the Gregg amendment, which makes changes in the bill, and get the bill ultimately passed is absurd. Make no mistake about it; the key vote today is on the Gregg amendment. Anyone who is for the Older Americans Act needs to vote against the Gregg amendment.

Let me talk about the accountability we have been able to put into this bill. The accountability takes care of those issues about which Senator Gregg was concerned. We do it, basically, in two separate ways. We do it by requiring, for the first time, the Department of Labor to have very specific standards and very specific criteria. We enumerate that in the section I have in front of me called ''Responsibility Tests.'' We outline what the Department of Labor will take into consideration when they decide whether or not this contract will be let to an organization. It says:

> Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant agency or State's overall responsibility to administer Federal funds.
>
> As part of the review described in [this paragraph] the Secretary may consider any information, including the organization's history with regard to the management of other grants.

It goes on and on, page after page, to describe what is in there that they will have to look at.

The second way this bill brings about accountability is after the fact, if a grantee is awarded a contract. It provides for a process of review, to make a determination whether or not the grantee has met the national performance standards.

The PRESIDING OFFICER. The 5 minutes allocated have expired.

Mr. DEWINE. I ask unanimous consent for 1 additional minute.

Mr. JEFFORDS. I am sorry, but I am just about out.

Mr. President, how many minutes do I have?

The PRESIDING OFFICER. The Senator from Vermont has 10 minutes remaining.

Mr. JEFFORDS. Mr. President, earlier I recognized the many contributions made by Senator GREGG to the provisions contained in our bill. We were glad to add those provisions. I regret that my colleague does not find them sufficient. But I must say that his amendment goes too far, and if adopted it will kill any chance of reauthorizing the Older Americans Act this year. I urge all of the Senators to vote against the amendment.

On its face, this proposal may look reasonable, but it is not.

It sets standards that would penalize all grantees and would preclude them providing these valuable services without the opportunity to have what are book keeping disputes adjudicated.

Moreover, the bill expressly requires each grantee to comply with OMB circulars and rules and requires the grantees to maintain records sufficient to permit tracing of funds to ensure that funds have not been spent unlawfully.

The bill institutes and requires performance outcome measures, annual grantee evaluations, grantee accountability and it creates a new grant competition for those not meeting performance measures.

It provides Governors and States greater resources and influence over job slot allocations, but also requires broad stakeholder participation in a State Senior Employment Services Plan coordinated through Governor's offices.

Our bill introduces performance measures and competition into the senior employment program for the first time. The bill would establish a 'three strikes and you're out' policy to ensure performance goals are met.

Failure to pass these reforms this year will maintain the status quo. It will only continue a system that does not serve the job placement needs of seniors in many states, and will not correct the deficiencies in the administration and planning of the program. The only way these improvements will be realized is to pass the Older Americans Act Amendments of 2000, a bipartisan, bicameral initiative.

This amendment is not opposed by just the aging organizations like AARP. It is also opposed by the Southern Governors Association. Yesterday, Governor Bush of Florida urged us to pass this bill and send it the President for his signature. Governor Huckabee of Arkansas said.

The Senate must move expeditiously to pass this bill without any amendments.

I urge all the Senators to vote against the Gregg amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 2½ minutes.

Today, the Senate is about to approve a reauthorization of the Older Americans Act which keeps faith with the nation's senior citizens. These programs provide vital links between senior citizens and their communities.

For seniors who are healthy and active, the act offers community service employment opportunities, preventive health services, and transportation services. It also supports a range of social activities, including congregate meals. The act supports more than 6,400 multi-purpose senior citizen centers across the country. For those frail seniors who lack mobility, it helps to maintain a lifeline to the outside world. It provides daily home-delivered meals, in-home care services, homemaker services, and transportation to doctors and other caregivers, and it supports programs to protect vulnerable seniors from abuse and exploitation.

This legislation reaffirms our commitment to ensuring that older Americans continue to receive the services which are so essential to their quality of life. This reauthorization should mean increased Federal financial support for these very worthwhile programs.

As part of this legislation, we have also created a National Family Caregiver Support Program to help families who care for ill or disabled parents or elderly relatives at home. We know how difficult it can become for a family when an elderly person needs a high degree of continuous care. We know the importance of keeping a frail senior at home in a loving environment whenever it is medically possible. This new program will provide essential support services to help these seniors remain with their loved ones. These families deserve our assistance, and this new program will ensure that they receive it.

Family caregivers will be able to obtain a broad range of support services, including respite care, in-home assistance, training in caregiver skills, and family counseling, all of which will make a major difference for these vulnerable seniors and their families. We have authorized $125 million for the first year of this new effort, and we anticipate the program will grow in succeeding years. Massachusetts families will receive over $3 million dollars to help them care for their elderly loved ones.

The Senior Community Service Employment Program, authorized by title V of the act, is the nation's only employment and training program aimed exclusively at low-income older persons—and it will have an increasingly important role as the Baby Boom generation ages.

Title V serves over 90,000 low-income elderly persons every year. The jobs obtained through this program provide these men and women with needed economic support. But it does much more than that. It keeps them active and involved in their communities, not isolated at home. It provides opportunities to make important contributions to their communities and to learn new skills—and it enhances their sense of dignity and self-esteem. In this legislation, we have significantly strengthened the Community Service Employment Program and provided for its much-needed expansion.

The legislation already addresses the financial accountability of title V program operators. It establishes strong new performance measures which program operators must meet each year, and provides for removal of operators who consistently fail to meet performance standards. It sets strict limits on the purposes for which program funds can be used, and established a 14-point financial responsibility test which every program operator must pass. The Department will have ample authority to disqualify those program operators whom it deems either untrustworthy or unreliable. The procedures we have established are tough and fair. The Gregg amendment is not needed.

Reauthorization of the Older Americans Act has been co-sponsored by over 70 Senators. It is supported by the National Governors' Association and by more than forty citizens organizations. It was overwhelmingly approved by the House of Representatives yesterday on a vote of 405–2. It is the product of a delicate bipartisan and bicameral consensus. Any change in the bill at this late date would have the effect of killing the reauthorization of the OAA for this session. That would be a serious loss for the millions of seniors who depend on this program, and are counting on us to reauthorize it. Please oppose the Gregg amendment so that we can finally enact this important bill this year.

I think the real test of a civilization is how it honors its elderly people, its senior citizens. I think that is a very fair criterion and it is one we ought to be reminded about. After all, these are the men and women who fought the wars, brought the country out of the Depression, and continued to make sacrifices for their children. We have enacted legislation historically, with Social Security, to try to keep these individuals out of poverty and also a Medicare program to address their needs.

This Older Americans Act is of great importance to millions of our senior citizens, to make sure they can live a quality life. It is not a prescription drug program. No, it is not, but it does provide vital services: Nutrition programs, preventive health care programs, transportation programs, feeding programs, in-home delivered meals programs. It is something that is really a lifeline for millions of our senior citizens. It is an employment program for many of our elderly people who want to provide services in local communities in nonprofit organizations.

The amendment before us, the amendment that has been put forward by Senator GREGG, brought a matter to the committee that the committee considered. I just hope our colleagues listen to the excellent presentations of the Senators from Ohio and Vermont, that would indicate that on these issues, this legislation responds to those questions and does it well.

This is an opportunity, with the defeat of the Gregg amendment, to pass this legislation and be on the road to provide meaningful services to our senior citizens. I hope the Gregg amendment will be defeated and we will have an overwhelming vote in support of the legislation.

I yield.

Mr. JEFFORDS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Vermont has 6 minutes remaining. The Senator from New Hampshire has 15 minutes remaining.

Mr. JEFFORDS. I yield 5 minutes to the good Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise today in strong support of Senate passage of the bipartisan Older Americans Act—OAA Amendments of 2000—H.R.

782. This bill passed the House yesterday with the overwhelmingly bipartisan vote of 405–2. The Senate companion bill S. 1536 has 72 cosponsors. H.R. 782 is a bipartisan, bicameral agreement to reauthorize the OAA. It is built on the strong foundation of S. 1536 and the bipartisan compromises reached by the HELP Committee in that bill. It also has the overwhelming support of the aging community. H.R. 782 is well worthy of your support.

This bill long overdue. It keeps our promise to older Americans to retain and strengthen current OAA programs, but is also provides new innovations and accountability to further improve the Act. It will ensure that the Older Americans Act continues to meet the day-to-day needs of our country's older Americans and the long range needs of our aging population.

The highlight of this bill is the creation of the national Family Caregiver Support Program. This program will provide respite care, training, counseling, support services, information and assistance to some of the millions of Americans who care for older individuals and adult children with disabilities. it also will help grandparents who care for grandchildren. This program has strong bipartisan support, will get behind our nation's families, and give help to those who practice self-helped.

Today our families are the backbone of the long term care system in this country. Currently about 12.8 million adults need assistance from others to carry out activities of daily living, such as bathing and feeding. By 2030 there will be about 21 million people over the age of 70 needing care. More than half of the elderly that do not currently receive help do not expect to have help in the future.

One in four adults currently provides care for an adult with a chronic health condition. The economic impact of caregiving is staggering. A recent study found that on average, workers who take care of older relatives lose $659,139 in wages, pension benefits, and Social Security over a lifetime. Further, it is estimated that the national economic value of informal caregiving was $196 billion in 1997.

Many of us have personally cared for sick or aging parents or other relatives and understand firsthand the strains and stresses facing caregivers. We know that adult children are most often the providers of care for seniors. This is the sandwich generation with moms and dads caring for their own children and their own parents. They have full-time jobs at the office and then they come home to full time jobs of caring for other family members.

My sisters and I cared for my mother when she was ill. We were fortunate. We all lived relatively close to my mother and could share caregiving responsibilities. But may families may be scattered across the country and find it more difficult to ensure that older members of their family are cared for properly. In addition, as our population ages, many people are living longer. We now see 80-year-old spouses caring for each other. We can see 70-year-old daughter caring for her 90-year-old mother.

The National Family Caregiver Support Program will help caregivers across the country care for their older relatives, grandparents care for grandchildren, and older individuals care for adult children with disabilities. It is a vital new innovation in this bill. It will meet the day-to-day needs of countless families across the country. We must pass this bill to create this program to help families.

When many Americans think of how the Federal Government helps our country's older Americans, they think of Social Security and Medicare. But what many Americans do not realize is the vital role that the Older Americans Act plays in meeting the day-to-day needs of seniors in this country. In this bill we maintain core programs in this Act that help our seniors.

Some of the most well known OAA programs are congregate and home-delivered meals. OAA provides about 240 million meals to over 3 million older persons. About half of these meals are provided in congregate settings and the other half are provided to frail older persons in their homes. These meal programs are vital to seniors.

A national evaluation of the nutrition program shows that, compared to the total elderly population, nutrition program participants are older and more likely to be poor, to live alone, and to be members of minority groups. The report found that the program plays an important role in the participants' overall nutrition and that these meals are the primary source of daily nutrients for these seniors. For every Federal dollar spent, the program leverages on average $1.70 for congregate meals, and $3.35 for home-delivered meals. A hot lunch at a senior center could be the only hot meal some seniors get each day.

Congregate meals also provide an opportunity for seniors to get out of their homes and socialize with other older persons in their community. After a meal, seniors may stay on for other activities. A meal can lead to a spirited game of bingo, ping-pong, pool, a dance class, or an exercise class. These kinds of activities keep older Americans more active and engaged which can help them live longer and live better. Home-delivered meals allow the frail elderly to enjoy a nutritious hot meal in the comfort of their own home. It can help keep seniors in their own home rather than having to live in an institution.

We also maintain important protective services for seniors such as legal assistance, the long-term care ombudsman, and elder abuse prevention activities. Legal assistance helps seniors with everything from writing a will to guardianship issues to assistance with housing to accessing Social Security benefits.

The long-term care ombudsman is the only OAA program that focuses solely on the needs of institutionalized persons. A senior in a nursing home or that senior's family can contact a local long-term care ombudsman if they are concerned about the quality of care their family member is receiving in a nursing home. The ombudsman is a neutral third party that investigates and helps resolve complaints about quality of care. This is an invaluable resource for seniors to help ensure that they get the best care possible.

The Act also provides for elder abuse prevention programs. OAA helps coordinate elder abuse prevention programs and combat crimes against seniors. It helps train professionals who serve seniors to help them better recognize signs of abuse and help seniors who are victims of abuse. OAA helps increase public awareness about elder abuse both among seniors and in the community at large.

We keep innovation and new ideas flowing by maintaining a separate and distinct Title IV for Research and Demonstration Projects, which is where innovative programs like the eldercare locator got started. We recognize the importance of the White House Conference on Aging to the aging community, and require the President to call such a conference before the end of 2005. Past White House conferences have brought forth innovative new ideas and created new programs to better serve seniors.

We maintain strong support for transportation services, which are critically important to seniors in our rural areas. I know this can be especially important in areas like Western Maryland and the Eastern Shore where seniors may have to travel further to the grocery store or a doctor's appointment or to their nearest senior center. And we retain core provisions of the law, like minority targeting language. That language ensures that OAA services are directed to those who need them the most. However, we acknowledge that unmet need can exist in rural areas, so we have included provisions to help improve the delivery of services to older individuals in rural areas.

At the same time, we recognize the need to strengthen certain programs in the Act and increase accountability. We have focused efforts on strengthening accountability and improving the Senior Community Service Employment Program or title V.

This program provides part-time community service jobs to low-income seniors. It gives them a steady source of income that they need for rent, groceries, medical care, and utilities. Most of the seniors participating in the program are older women whose work histories include working in the home, domestic work, caring for their children and grandchildren, or part-time unskilled employment. Many have not finished high school. Few have pensions, and Social Security or supplemental security income may be the

only source of income for the majority of participants. They count on their check from this program to pay their bills.

Seniors also receive valuable training and skills that enable them to get unsubsidized jobs in the public and private sectors. This is especially important in today's right labor market. Increasingly, employers are looking to older workers to fill jobs traditionally not held by older Americans.

Title V also gives something back to communities. Seniors in this program serve meals in senior centers and drive the vans to help seniors get to their local senior center for a hot lunch. They work in schools and hospitals and day care centers. They make a difference in their communities and their work does not go unnoticed.

We have taken a number of steps to increase accountability. We establish performance measures. If an organization or a state fails to meet these standards and improve its performance, other entities will get the opportunity to competitively bid for a portion or all of the original organization or entity's grant. We establish a minimum amount that must be spent on enrollee wages and fringe benefits. We clarify the way organizations must define and report their costs so that there is no room for ambiguity. We codify responsibility tests and new criteria for grantee eligibility. We require a broad and open planning process so that areas of greatest need within a State are served as efficiently as possible.

While I believe that overall the current grantees are performing very well, these provisions will help ensure that seniors get the high quality services they deserve. They also strengthen the entire SCSEP program and do not target one particular grantee.

This bill strikes a good balance between recognizing the need for additional resources to support OAA programs and protecting the most vulnerable seniors and their access to services. It specifically authorizes seniors to make voluntary contributions—donations—for all OAA services. The bill also allows states to require cost-sharing for a limited number of services such as transportation, respite care, and personal care. A long list of services is exempt from cost sharing, such as the meals program, information and assistance, and ombudsman. It also provides guidance to states and protections to help ensure that seniors are not discouraged from seeking services because of cost-sharing.

I also want to note the strong need for increased funding for Older Americans Act programs. Very few OAA programs have seen increased funding in recent years, yet there is a growing need for services. I strongly support full funding of the new National Family Caregiver Support Program, but other OAA programs must also receive needed increases in funding. I strongly urge my colleagues on the Appropriations Committee and in the Senate leadership to do as much as possible to increase funding for these valuable programs in the final days of this Congress and in the future. I look forward to working with you to do that.

I want to thank Senator DEWINE, Chairman of the Aging Subcommittee, for his sincere dedication to reauthorizing the OAA and willingness to work in a bipartisan manner to accomplish this. Thank you to Senator JEFFORDS for his strong leadership in moving this bill through the Health, Education, Labor, and Pensions Committee and all the way through until enactment. Senator KENNEDY also deserves credit for this bill—he continues to be a tireless advocate for the OAA and the people it serves. I want to thank the Senate staff that have worked so hard on this legislation: Sean Donohue, Hollis Turnham, Karla Carpenter, Jeff Teitz, Abby Brandel, and Rhonda Richards. I can not think of any better way to celebrate the 35th anniversary of the OAA in 2000 than by enacting this long-awaited bipartisan reauthorization of the Older Americans Act.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Ms. MIKULSKI. Mr. President, I urge adoption of the bill and defeat of the Gregg amendment.

Mr. JEFFORDS. Mr. President, I yield the remainder of my time to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized 2¾ minutes.

Mr. DEWINE. Mr. President, I think it has pretty much been said. I ask my colleagues to defeat the Gregg amendment and to pass the Older Americans Act. This is a bill that needs to pass. It is a bill that is sponsored by 73 Members of this body. It is a bill that is supported by the National Governors' Association which urges us to pass the bill. I have a letter from the Southern Governors' Association, signed by all the Southern Governors, including Governor Bush from Texas, as well as Governor Bush from Florida.

Governor Bush from Florida has been very instrumental in working with us on this bill and is a very strong proponent and advocate of the bill because he understands what a difference it will make.

I reiterate, the concerns my colleague from New Hampshire has raised, and I know he will speak in a moment, are valid concerns. We have taken them into consideration. We have incorporated them into this bill. We congratulate him on the work he has done. This bill is a better bill because of what JUDD GREGG has done.

We are now, though, at the point where we have incorporated those reforms. This is a reform-minded bill. This is a bill that will make a difference. This is a bill that will change the status quo. We are now faced with the prospect of either passing this good bill and sending it on to the President of the United States or, if we adopt the Gregg amendment, killing the bill and seeing the status quo remain because that is what will happen.

None of the reforms my colleague wants to see take place will take place if we kill this bill. It will not be one of them. We will continue to muck along. We will continue to move along as we have year after year with the status quo and with no reforms at all. If you are for reforms, you have to vote against the Gregg amendment and then vote for final passage.

I thank the Chair and thank my colleagues.

AMENDMENT NO. 4343

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes remaining. All time controlled by Senator JEFFORDS has expired. The Senator from New Hampshire.

Mr. GREGG. I thank the Chair.

Mr. President, first, I appreciate the kind words that have been expressed relative to my efforts on this bill. They are minor compared to the efforts of the Senator from Ohio and the Senator from Maryland who have worked very hard.

The underlying bill is a strong bill. Remember, we are talking about a 5-year authorization. We are not talking about 1 day, 2 days, 1 year, or 2 years. We are talking about 5 years. We are talking about continuing the status quo for another 5 years on this piece of legislation.

This amendment is about good government. The amendment is: Are you for language which says that a grantee that misuses the funds can be disciplined by the Department of Labor? It is that simple. It is generic. If the Department of Labor determines that a grantee misuses funds, this gives the Department of Labor the capacity to do something about that.

As I talked about earlier today, we have an example of one of the grantees, the National Council of Senior Citizens, which has grossly misused funds, which set up a slush fund of $6 million, which spent over $10 million basically to pay for expenses for insurance, which were insurance organizations operated by the same people who ran the National Council of Senior Citizens, which has had an audit in the years 1992, 1993, 1994, 1995, 1996, 1997, and 1998, all of which audits have shown it has misused funds.

If we do not adopt this amendment, that organization will continue to get $64 million a year, will continue to misuse those funds, and the Department of Labor will not have the authority to act against that organization in anything that is even conceivably a reasonable timeframe. Under this bill, as it is presently structured, the fastest timeframe in which the Department of Labor can act against an organization which has acted in the manner in which this organization has acted is 3 years. Even then it is not an issue because there is no language for activity for misuse of funds. They would have to raise it to a level of

criminal or fraudulent activity, which is a standard that is very hard to prove.

It is very obvious that American tax dollars are not being used for the purposes of employing senior citizens, which should be our goal. I am asking for some extremely reasonable good government language to be inserted into this bill. The only argument I have heard today against this language is essentially that, if this little amendment goes in, this bill dies.

I say to my colleagues, that is absurd on its face. We are not leaving here very soon. Regrettably, I wish we were leaving here today. A lot of us wish we were leaving here today, but we are not. I happen to know of three major pieces of legislation which are not going to be completed today. They probably are not going to be completed tomorrow. It is a fairly safe bet that we are going to be back next week. In fact, I can almost guarantee it. I can say that with some authority because I happen to chair one of the committees which has jurisdiction over one of these pieces of legislation, the Commerce-State-Justice appropriations bill. That bill is not going to be completed today, and it is probably not going to be completed this week, and probably we will be back next week.

The same is true of the Labor-HHS bill, and the same is true of the tax bill. We know we are going to be able to take this amendment, send it back to the House, have it passed, and come back here and pass the whole bill.

If that is the reason this language is being opposed, it is inaccurate. This language can be inserted, this bill can be reformed and it can be corrected, and the bill can be brought back to us and passed.

The House of Representatives passed this bill overwhelmingly. This language is not debilitating to the bill. It is an attempt to make the bill function as it should.

What should it do? It should make sure that when we give $350 million a year to agencies without requiring them to bid on the programs, when we give them an entitlement that says, you get this money; you just walk up to the window and we give it to you, at least those agencies should be required not to misuse the money; that those agencies should be required to spend the money for the purposes of employing senior citizens, not for the purpose of creating a slush fund, not for the purpose of financing a Teamsters Union election, not for the purpose of financing a campaign against a Senator, not for the purpose of creating an insurance vehicle which benefits the underlying agency. It should be that those moneys should be used for the senior citizens, to be employed under the bill under title V.

That is all this language does. It is benign language. Without this language, we will essentially continue a process that allows these agencies to come to the window, take the money, and run, without adequate accountability. Even more importantly, there will be no competition and no performance standards.

So the language is reasonable. It needs to be included in the bill. The timing of this bill is not such that this language is going to kill the bill. The momentum for this bill is immense. There is no way that this bill will not pass with this language in it if this amendment is agreed to. The bill will pass. The bill will be conferenced. The bill will be back here. The bill will be voted on before we adjourn as a Senate or a Congress. So that debate is inaccurate.

So I hope that this language, which is a very reasonable attempt to address what is regrettably a glaring problem in the delivery of these services, will be accepted. I hope people would not vote against something so simple as a statement that we should allow the Department of Labor to discipline people who misuse tax dollars. To vote against that is really to take a position which I think is very hard to defend.

We are going to vote on this amendment. I would certainly appreciate my colleagues not being swayed by the argument that a vote for my amendment will bring the bill down because that argument is a red herring, in my opinion, because we are going to be here next week and we can certainly pass this bill next week. It will pass on a voice vote once this amendment is taken. In fact, it will pass by unanimous agreement.

But, rather, I hope my colleagues will be swayed by the fact that if we fail to include this amendment, we will continue to have the issue of whether or not the dollars we are spending to employ seniors, to make their lives better, are, instead, going to be able to be spent to benefit some agency in some way that has no relationship to seniors and their needs. A good government requires that this type of language be put in the bill. Therefore, I ask my colleagues to support the amendment.

Mr. President, I understand that all time on the other side has been used; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the Gregg amendment No. 4343. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 69, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—25

Allard	Frist	Murkowski
Ashcroft	Gramm	Nickles
Bond	Gregg	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Smith (NH)
Campbell	Kyl	Thompson
Craig	Lott	Warner
Enzi	Mack	
Fitzgerald	McConnell	

NAYS—69

Abraham	Durbin	McCain
Akaka	Edwards	Mikulski
Baucus	Feingold	Miller
Bayh	Graham	Moynihan
Bennett	Grassley	Murray
Biden	Hagel	Reed
Bingaman	Harkin	Reid
Boxer	Hatch	Robb
Breaux	Hollings	Roberts
Bryan	Hutchinson	Rockefeller
Burns	Inouye	Roth
Byrd	Jeffords	Santorum
Chafee, L.	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Cochran	Kerrey	Smith (OR)
Collins	Kerry	Snowe
Conrad	Kohl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Thurmond
DeWine	Leahy	Torricelli
Dodd	Levin	Voinovich
Domenici	Lincoln	Wellstone
Dorgan	Lugar	Wyden

NOT VOTING—6

Feinstein	Grams	Lieberman
Gorton	Helms	Specter

The amendment (No. 4343) was rejected.

Mr. JEFFORDS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. JEFFORDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from

Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—94

Abraham	Enzi	McConnell
Akaka	Feingold	Mikulski
Allard	Fitzgerald	Miller
Ashcroft	Frist	Moynihan
Baucus	Graham	Murkowski
Bayh	Gramm	Murray
Bennett	Grassley	Nickles
Biden	Gregg	Reed
Bingaman	Hagel	Reid
Bond	Harkin	Robb
Boxer	Hatch	Roberts
Breaux	Hollings	Rockefeller
Brownback	Hutchinson	Roth
Bryan	Hutchison	Santorum
Bunning	Inhofe	Sarbanes
Burns	Inouye	Schumer
Byrd	Jeffords	Sessions
Campbell	Johnson	Shelby
Chafee, L.	Kennedy	Smith (NH)
Cleland	Kerrey	Smith (OR)
Cochran	Kerry	Snowe
Collins	Kohl	Stevens
Conrad	Kyl	Thomas
Craig	Landrieu	Thompson
Crapo	Lautenberg	Thurmond
Daschle	Leahy	Torricelli
DeWine	Levin	Voinovich
Dodd	Lincoln	Warner
Domenici	Lott	Wellstone
Dorgan	Lugar	Wyden
Durbin	Mack	
Edwards	McCain	

NOT VOTING—6

Feinstein	Grams	Lieberman
Gorton	Helms	Specter

The bill (H.R. 782) was passed.

Mr. WELLSTONE. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The majority leader.

Mr. LOTT. Mr. President, I withdraw my pending motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. JEFFORDS. Mr. President, it gives me great pleasure that the Senate has passed the Older Americans Act Amendments of 2000. This year is the 35th anniversary of the Older Americans Program. Since 1965, the Act has provided a range of needed social services to our Nation's senior citizens. It is the major vehicle for the organization and delivery of supportive and nutrition services to older persons, and it has grown and changed to meet our citizens' needs. In 1972, we created the national nutrition program; in 1978, we established a separate title for Native Americans; and in 1987, we authorized programs to prevent elder abuse, neglect, and exploitation. The Act has been reauthorized 12 times, most recently in 1992. Reauthorization legislation was considered in the 104th and 105th Congresses but did not pass due to controversy about a number of proposals. But those controversies were addressed and the Senate has voted unanimously to pass this Act and provide our elderly with desperately needed help.

The Older Americans Act programs play a vital role in all our communities. Because of the Older Americans Act, millions of nutritious meals are delivered each year to the generation that served our country in World War II. It funds the operations of senior centers and other supportive services to enhance the dignity and independence of the Nation's elders; and it provides part-time employment opportunities to tens of thousands of senior citizens. Indeed, virtually all of our Nation's elderly are benefitting from the Act. However, more could be done to help our senior citizens and their families. This is why we are here to pass the Older Americans Act Amendments of 2000.

I want to commend all of the members of the Committee on Health, Education, Labor, and Pensions for their work and contributions in this effort. Senator DEWINE and Senator MIKULSKI led the way on this reauthorization effort early in this Congress. Beginning on March 3, 1999, the Subcommittee on Aging held a series of hearings, receiving testimony from over 30 witnesses. The first hearing presented Subcommittee members with an overview of the various Older Americans Act programs. Subsequent Subcommittee hearings covered other important issues, including elder abuse, supportive services, State and local views, longevity in the workplace, and long-term family caregiver programs. In March, 1999, we were very fortunate to hear testimony from Ms. Reeve Lindbergh of St. Johnsbury, Vermont. She spoke to our Committee about the unacceptable problem of elder abuse which confronts some of our most fragile elders. Then, in April, we heard from another Vermonter, Mr. John Barbour, who serves as the Director of the Champlain Valley Agency on Aging, in Winooski, Vermont. He alerted the Committee to changes needed in the nutritional programs outlined in Title III of the Act.

This bill improves the Older Americans Act in several key areas. For example, Title I sets out broad policy objectives related to income, health, housing, long-term care, employment, retirement, and community services that will improve the lives of all older Americans. Modifications under this title establish a Federal definition of ''in-home services'' and give both State units and area agencies on aging the ability to include locally significant in-home services in their service definition.

Title II identifies the Administration on Aging as the chief Federal agency advocate for older persons and also establishes the Eldercare Locator Service and Pension Rights and Counseling as ongoing programs.

Significant modifications have been made to Title III, grants for State and community programs. One of the most important aspects of this Act is the establishment of the Grassley-Breaux National Family Caregiver Support Program. According to the 1994 National Long Term Care Survey, there are more than 7 million informal caregivers—including spouses, adult children, other relatives, and friends who provide day-to-day care for most of our Nation's elders. The National Family Caregiver Program authorizes $125 million in Federal assistance to help families care for their elderly by providing a multifaceted system of supportive services, including information, assistance, counseling, and respite services. Moreover, it will help older individuals who are caring for relative children, such as their grandchildren. According to the United States Census Bureau, in 1997, almost 4 million children were living in homes maintained by their grandparents. This program will also extend to older folks who are caring for their adult children with mental retardation and developmental disabilities.

Other changes to this title clarify the role of area agencies on aging with respect to case management, information and referral services, and also strengthen their obligations to coordinate volunteer programs and efforts with other community organizations providing similar services. In addition, the interstate formula allotments are updated, with appropriations being tied to minimum-growth hold harmless amounts, so that no State receives less than it did in FY 2000.

Title V authorizes community service employment for older Americans to provide part-time community service jobs for unemployed, low-income persons 55 years old and over. There will be 1.4 million more low-income persons over the age of 55 in the year 2005 than there were a decade earlier, and many of them will continue working. Employment obtained through this program provides these workers with needed economic support. It keeps them active and involved in their communities, and it provides them with the opportunity to make important contributions to their communities, learn new skills, and enhance their sense of dignity and self-esteem.

The changes made in Title V by this bill are a critical part of this legislation, because they strengthen and modernize the Senior Employment Program. To begin, the purpose statement is amended to stress economic self-sufficiency and to increase the number of placements in public- and private-sector unsubsidized employment. The employment program is integrated with the Workforce Investment Act, including one-stop delivery systems and participant assessments and services, while the program itself and the administrative costs are codified. Also, under this title, the State Senior Employment Services Plan is established which provides Governors with greater

influence and responsibility concerning the allocation of job slots. The newly established State Plan ensures for the first time a planning process with broad participation by representatives from State and area agencies on aging; State and local workforce investment boards; public and private non-profit providers of employment services; businesses and labor organizations; and other aging network stakeholders.

The remaining sections have also been modified. Title IV, training, research, and discretionary projects and programs, authorizes the Assistant Secretary for Aging to award funds for training, research, and demonstration projects in the field of aging. This Act consolidates the demonstration programs from 18 to 10 categories, including sections on violence against older Americans, rural health, computer training, and transportation. Title VI, grants to Native Americans, authorizes funds for social and nutrition services to older Indians and Native Hawaiians. The modifications by this Act authorize the Family Caregiver Support Program for tribal organizations. Then, a provision is added under Title VII, vulnerable elder rights protection activities, which authorizes funds for activities that protect the rights of the vulnerable elderly. The new provision requires that ombudsman programs coordinate with ''law enforcement'' agencies.

I want to take this opportunity to acknowledge the many other individuals and organizations that have contributed to this effort. In addition to leadership Senator DEWINE and Senator MIKULSKI, Senator KENNEDY contributed his long experience to this effort. He helped us find the middle ground and solutions to many thorny issues. Senator GREGG was instrumental in focusing the Committee's attention on the much-needed reforms in the employment services program, and the program is much strengthened by his work. Senator HUTCHINSON was especially active on these efforts to address the employment and services needs of the rural elderly.

Among the groups in the network of aging organizations, special recognition must go to the National Council of Older Americans and the National Association of State Units on Aging for their insight in proposing a compromise to the employment services program. AARP, with the leadership of Horace Deets, undertook the difficult task of seeking consensus among the many aging organizations. Green Thumb tirelessly educated members of Congress about the importance of these aging populations, especially those members representing rural constituencies. The Leadership Council of Aging Organizations, currently being chaired by the Committee to Preserve Social Security and Medicare, provided a continuous forum for many issues to be addressed. Others contributing to this effort include the National Caucus on Black Aging, the National Association of Area Agencies on Aging, and Meals on Wheels. Finally, the Administration on Aging, headed by Jeanette Takamura, provided ongoing leadership and continuous expert support in strengthening these programs.

Many of our staff deserve considerable recognition for their dedicated work. Daphne Edwards in the Office of the Legislative Counsel worked tirelessly on countless drafts of this legislation. Carol O'Shaughnessy of the Congressional Research Service lent her counsel, as well as her years of experience with aging programs, to this bill. Abby Brandel and Rhonda Richards of Senator MIKULSKI's office, and Jeffrey Teitz of Senator KENNEDY's staff, worked diligently to reach accords on many of these difficult issues. Alan Gilbert with Senator GREGG provided invaluable guidance on the employment services program. Kate Hull, of Senator HUTCHINSON's staff, also dedicated many hours of effort to the final product. Recognition is deserved especially by Karla Carpenter, the staff director of the Aging Subcommittee, who with Senator DEWINE developed the framework for this modernization bill and who stuck with the effort to see it finished. Finally, on my own staff, I want to acknowledge and commend the efforts of Hollis Turnham and Sean Donohue. Hollis came to my office as the Senator John Heinz Fellow on Aging, and her extensive experience with these programs was invaluable to the completion of the bill. Hollis brought with her years of experience in serving our Nation's elders and a full knowledge of just how the Older Americans Act affects our older Americans. After several years of trying, this effort to reauthorize the Older Americans Act could have gone astray at countless points over these past two years. Therefore, much credit must go to Sean Donohue, whose focus, experience, and sheer tenacity guided this successful effort.

In summary, our bill goes a long way to improving supportive, employment, and nutritional services for the elderly. This legislation updates the Older Americans Act, making it more relevant and useful to our country's senior citizens. All of these individuals have worked hard to develop innovative strategies to strengthen and modernize the Older Americans Act, and I know that through these efforts our Nation's elders will be better served by this legislation.

Mr. KENNEDY. Mr. President, the reauthorization of the Older Americans Act which just received the Senate's unanimous approval is the product of a two-year bipartisan effort. Earlier today, I said Senators JEFFORDS, DEWINE, MIKULSKI, and I share a common commitment to preserving and strengthening these programs, which have done so much to improve the lives of millions of senior citizens. I commend my three colleagues for their tremendous leadership in fashioning this legislation.

Now, I would like to recognize the members of our staffs who did the work that made this bill possible: Rhonda Richards and Abby Brandel from Senator MIKULSKI's office, Karla Carpenter from Senator DEWINE's office, Sean Donohue, Hollis Turnham and Mark Powden from Senator Jefford's office, and Jeffrey Teitz, Michael Myers, and Jerry Wesevich from my office. We assigned them an extremely difficult task. Efforts to reauthorize the Older Americans Act had failed in the last two Congresses. This year, at each point when the differences appeared too wide, these individuals found a creative way to bridge the divide. They managed to build the consensus which has enabled this legislation to pass both the House and Senate so overwhelmingly.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to the conference report accompanying H.R. 2614, and I ask for the yeas and nays on the motion to proceed.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—55

Abraham	Frist	Nickles
Allard	Grassley	Robb
Ashcroft	Gregg	Roberts
Bennett	Hagel	Roth
Bingaman	Hatch	Santorum
Bond	Hutchinson	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Smith (NH)
Burns	Jeffords	Smith (OR)
Campbell	Kohl	Snowe
Chafee, L.	Kyl	Specter
Cochran	Lott	Stevens
Collins	Lugar	Thomas
Craig	Mack	Thompson
Crapo	McCain	Thurmond
DeWine	McConnell	Voinovich
Domenici	Miller	Warner
Enzi	Moynihan	
Fitzgerald	Murkowski	

NAYS—40

Akaka	Boxer	Cleland
Baucus	Breaux	Conrad
Bayh	Bryan	Daschle
Biden	Byrd	Dodd

Dorgan	Kennedy	Reed
Durbin	Kerrey	Reid
Edwards	Kerry	Rockefeller
Feingold	Landrieu	Sarbanes
Graham	Lautenberg	Schumer
Gramm	Leahy	Torricelli
Harkin	Levin	Wellstone
Hollings	Lincoln	Wyden
Inouye	Mikulski	
Johnson	Murray	

NOT VOTING—5

Feinstein	Grams	Lieberman
Gorton	Helms	

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2614 ''To amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes,'' having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD (Part II) of October 25, 2000.)

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the continuing resolution, that no amendments be in order, the vote occur immediately; that following the vote the time be divided as follows: 15 minutes under the control of Senator MCCAIN and 30 minutes under the control of Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 116) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, this will be the last vote of the night. We will then be on the Tax Relief Act conference report.

Of course, Senators have indicated that they wish to speak on that, and perhaps other subjects. The pending business then will be the Tax Relief Act conference report.

But this will be the last vote tonight.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 116) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on passage of H.J. Res. 116.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), and the Senator from North Carolina (Mr. HELMS), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (M. HELMS) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—94

Abraham	Enzi	Mikulski
Akaka	Feingold	Miller
Allard	Fitzgerald	Moynihan
Ashcroft	Frist	Murkowski
Baucus	Graham	Murray
Bayh	Gramm	Nickles
Bennett	Grassley	Reed
Biden	Gregg	Reid
Bingaman	Hagel	Robb
Bond	Harkin	Roberts
Boxer	Hatch	Rockefeller
Breaux	Hollings	Roth
Brownback	Hutchinson	Santorum
Bryan	Hutchison	Sarbanes
Bunning	Inhofe	Schumer
Burns	Inouye	Sessions
Byrd	Jeffords	Shelby
Campbell	Johnson	Smith (NH)
Chafee, L.	Kennedy	Smith (OR)
Cleland	Kerrey	Snowe
Cochran	Kerry	Specter
Collins	Kohl	Stevens
Conrad	Kyl	Thomas
Craig	Landrieu	Thompson
Crapo	Lautenberg	Thurmond
Daschle	Levin	Torricelli
DeWine	Lincoln	Voinovich
Dodd	Lott	Warner
Domenici	Lugar	Wellstone
Dorgan	Mack	Wyden
Durbin	McCain	
Edwards	McConnell	

NAYS—1

Leahy

NOT VOTING—5

Feinstein	Grams	Lieberman
Gorton	Helms	

The joint resolution (H.J. Res. 116) was passed.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to read some headlines from newspapers across the United States commenting on our work:

''Congress' Pork Roast'' The News and Observer (Raleigh, NC)

''Imaginary Numbers Game: Congress Pork-Barrel Is Eroding The Surplus'' The Record (Bergen County, NJ)

''Congress Rolls Out The Pork-Barrel Election, Surplus Bring Free Spending'' The Florida Times-Union (Jacksonville)

''Costly Delay: Politics Prompts Capitol Hill Feeding Frenzy'' Telegram & Gazette (Worcester, MA)

''Bellying Up To A Pork Barrel'' The Christian Science Monitor

''Dollars Flying In Congress' Flurry Of Final Spending'' USA Today

''Congress Has Last-Minute Pork Feast'' Chattanooga Times

''Spending Bill Fat With Pork: Both Parties Engaged In Budget-Busting Spree'' The Houston Chronicle

I am saddened by these headlines because of the damage such words do to the reputation of our governmental institutions. But I am also angered by them.

Why? Because we are deliberately, of our own free will, spending the surplus and jeopardizing future prosperity.

With this year-end spending blitz, Congress and the President have blown away the last remaining vestiges of fiscal discipline that, for a brief, very brief moment in time, had put the brakes on the spending frenzies that all too often engulfed our Capitol and contributed to our huge national debt, which stands today at $5.7 trillion.

Tens of billions in pork barrel and special interest spending have been packed into these appropriations bills, as well as numerous provisions pushed by Capitol Hill lobbyists that the American public will not know about until after these bills become law. In fact, Dan Morgan of the Washington Post aptly characterized this well-coordinated, last minute lobbying offensive as ''high noon at Gucci Gulch.''

I regard such a spectacle as demeaning to our Government.

U.S. News & World Report, October 23, 2000:

Nearly two weeks past its promised departure date, Congress remains in Washington, locked in a standoff with the White House and mired in its own disarray over the Federal budget. And as the dealing crackles up and down Pennsylvania Avenue and across the Capitol Rotunda, the shenanigans are going to cost a staggering amount of money. By some estimates, if the spending increases continue at the current pace—nearly twice the rate of inflation—the non-Social Security surplus could be eliminated in less than 5 years.

* * * * *

Feast day. The $650 billion figure must be stacked against the famed 1997 balanced budget deal. Under that agreement, the government was supposed to spend $541 billion in discretionary dollars this year. They should miss the mark by a mere $100 billion or so. The Republicans will outspend their own budget resolution passed this spring by about $50 billion. Election-year politics, an irrepressible instinct for pork, and a unique moment of plenty have combined to create a kind of fiscal third-base coach waving everybody home to score whatever spending project his heart desires

* * * * *

The spending comes in big chunks and small. In Alaska, thanks to Senate Appropriations Chairman Ted Stevens, taxpayers will spend $176,000 to help the Reindeer Herders Association. Stevens set aside a total of $43 million for other Alaska transportation projects. Alabamians may be forever grateful for the $1.5 million set aside to help restore the venerable Vulcan statue in Birmingham, a 56-foot, iron rendition of the Roman god of fire and metalwork. Built as an entry for the 1904 World's Fair, it won the grand prize in the Palace of Metallurgy. Stewart Dansby, executive director of the Vulcan Park Foundation, says officials at the organization talked to Alabama Sen. Richard Shelby about helping to fund the renovation. ''Why are federal tax dollars being spent on a statue in Birmingham?'' asks Dansby. ''Because Vulcan is symbolic of American industrial strength. He represents the working person and . . . . These are federal dollars that would have gone somewhere.''

There is ample evidence of that. The huge surpluses projected over the next decade—$268 billion next year—may have forever changed politics in Washington. The result is a kind of giddiness. ''The surplus is burning a hole in our pocket. It is affecting our judgment,'' says Republican Sen. Phil Gramm of Texas

* * * * *

Senators from both sides of the aisle have been treating themselves to hundreds of spending programs of peculiar, and perhaps dubious, value. Examples:

Harry Reid has secured more than $14 million for five projects in Nevada, including $2 million to enable airline passengers to get boarding passes at their hotels.

Who I see here.

Tom Harkin added more than $7 million to next year's Agriculture bill to fund ''integrated cow resources management and agriculture-based industrial lubricants research.''

Perhaps Senator Harkin can enlighten us on that.

Robert Byrd has earmarked $5.25 million for a new dorm at the National Conservation Training Center in Shepherdstown, a facility run by the U.S. Fish and Wildlife Service.

Ted Stevens (R-Alaska), the appropriator in chief, scored $400,000 for a parking lot in Talkeetna—a slice of the $43 million in special projects he pulled out of the Transportation bill.

Pete Domenici a nominal budget hawk, claims that the $200,000 he got for a railroad museum in Las Cruces ''could improve transportation for the entire nation.''

Richard Shelby opposed Federal involvement in peanut allergy research in 1998, but he has secured $500,000 for the same in fiscal year 2001.

Mr. President, I have included the top 10 list on several occasions. One of my favorites was insect rearing, bug raising for fun and profit. There are many others that my colleagues may be entertained by, but also American taxpayers may be somewhat disturbed by.

The Washington Post, Eric Pianan, October 25:

Rules created more than two decades ago to impose fiscal restraint on Congress have broken down, helping fuel a year-end spending spree that is resulting in billions of extra dollars for highways and bridges, water projects, emergency farm aid, school construction and scores of other projects.

Many budget hawks have derided the binge as a typical election year ''porkfest.'' But key lawmakers and experts on federal budgeting say another less visible problem is that the law aimed at reining in such spending has been effectively gutted by the congressional leadership.

In particular, lawmakers are increasingly ignoring the annual congressional budget resolution, the document that is supposed to guide spending and tax decisions in the House and Senate every year. In years past, lawmakers might miss their budget targets by a few billion dollars, but now they are busting the budget by as much as $50 billion this year.

This year's budget resolution, for instance, called for about $600 billion in spending this fiscal year on defense, health, education, and other non-entitlement programs. When Congress and the White House finally complete their negotiations . . . the total will be $640 billion or more. . . .

The decision to ignore the budget resolution is only one sign of a general breakdown of fiscal discipline on Capitol Hill, according to fiscal experts. Congress and the Clinton administration are also ignoring spending caps, both agreed to as a part of the 1997 legislation to balance the federal budget.

Congress's enthusiasm for real budget constraints began to wane almost as soon as deficits gave way to surpluses beginning three years ago. Until then, the specter of towering annual deficits of as much as $290 billion had fostered a series of hard-nosed policies, including a 1990 budget deal that for the first time imposed caps on spending and required Congress to offset tax cuts by reducing spending or raising other revenues.

The emergence of surpluses has left it to lawmakers to produce budget plans that would impose spending discipline with an eye to the time when Medicare and Social Security will begin to run short of money. But that has not happened.

All of this maneuvering and horse trading predictably has been conducted behind closed doors, away from the public eye, bypassing a process whereby all of my elected colleagues should evaluate the merit of each budget item.

The big winner in this budget ritual is not the American people but bigger Government and bigger bank accounts for special interests.

As Ronald Reagan was fond of saying, ''Facts are stubborn things,'' and the facts swirling around the fiscal year 2001 budget are disheartening to anyone who believes in smaller Government, fiscal restraint, and the responsibility of elected officials to do everything possible to ensure prosperity for our children and grandchildren.

A few months ago, Republicans outlined our spending plan, calling for about $600 billion in so-called discretionary spending. That is spending on programs other than Social Security, Medicare, and interest on our $5.7 trillion debt. The President's budget requested about $623 billion in discretionary spending.

But the unsavory mix of Members adding billions upon billions more in special interest spending, in what the Associated Press described as a ''bipartisan spending bazaar,'' combined with a President determined to squeeze as many taxpayer dollars as possible as the price for letting everyone go home, led to a ''compromise'' only Washington could love. In the end, bidding up the final spending tally in the range of $640 billion to $650 billion, give or take a few billion, but this explosion of spending does not seem to bother the White House. Just last week, I was amused to read the words of the President's Chief of Staff, who said in a speech that at the end of this budget process, ''We will have a budget that is fiscally responsible.''

It is a mind-boggling comment, at odds with the facts.

For the fiscal year 2001, we have already spent at least $30 billion past the discretionary spending limits set by the budget resolution for this year. When all is said and done and all the bills have been properly reviewed, we could very well spend up to $50 billion more. What is going on here?

The Congress has not always acted this way. As a matter of fact, in 1997 and 1998, when we still had deficits, we spent less money than the actual budget caps. Since the era of surpluses began in 1999, the Congress and the President have taken this to mean they now have a license to spend freely without any adherence to limits. In fact, a recent Cato Institute study of congressional budget habits found that from fiscal year 1998 to fiscal year 2000, domestic spending grew by more than 14 percent in real terms.

Our continuing irresponsibility is threatening to consume a substantial portion of the projected on-budget surpluses before they are realized. Do any of my colleagues genuinely believe we will actually spend less next year?

According to a CBO report released this month, even if we are to save all of today's projected surpluses, we still face the possibility of an uncertain long-term fiscal future as the aging of our population and, thanks to the wonders of modern medicine, the lengthening of our lifespans lead to surging entitlements costs.

The CBO projected the three main entitlements programs—Social Security, Medicare, and Medicaid—will rise from roughly 7.5 percent of gross domestic product today to 17 percent by the year 2040, absent structural reforms. One line in particular in the report should grab the attention of my colleagues. It reads:

Projections of future economic growth and fiscal imbalances are quite sensitive to assumptions about what policymakers will do with the budget surplus that are projected to arise over the next decade.

Remember, today's official budget surplus projections assume discretionary spending will grow for the next 10 years at the rate of inflation, which makes the conclusion of a recent Concord Coalition report even more alarming. The report warns ''that if discretionary spending continues to grow at the same rate it has in recent years, two-thirds of the projected 10-year non-Social Security surplus would disappear.'' That will translate into a reduction of the non-Social Security surplus by $1.4 trillion.

While the White House was the chief engineer pushing the spending bonanza, my party, yet again, let pass a golden opportunity to showcase our fiscal discipline and resolute devotion to debt reduction. We could have supported spending bills with no hard-earned taxpayers' money spent at the behest of individual lawmakers without authorization and adequate congressional review, but we did not.

As we are close to the end of this Congress, we must look to the next Congress, indeed the next President, to address many of the pressing problems that plague our Nation. The real question that faces us is whether we will end the Washington partisan gridlock and achieve results for the American people on a range of critical issues, such as prescription drugs, HMO reform, Social Security reform, and military reform.

I strongly submit that to break the gridlock that cripples Washington, we must break the stranglehold of the special interests on our political process.

For example, we have been trying for nearly 2 years to get a decent health care bill of rights passed into law. The purpose of the legislation is to provide every American who is caught in a squeeze play between employers' HMOs and their doctors with some basic rights designed to ensure they get the quality health care they have paid for and deserve. Yet the trial lawyers and the health care industry lobbies have succeeded in derailing any hope of reaching a meaningful compromise. So Americans, average Americans, will go on suffering at the hands of health care bureaucracy decisions often guided more by the bottom line than the best interests of the patients.

We must have courage to say no to the special interests who pay the soft money fee to gain access to the high political councils while the average taxpayer is left out in the cold. It will not be easy breaking our addiction to soft money.

Roll Call newspaper reports that in a recent survey of 300 senior corporate executives conducted by the Tarrance Group:

> Nearly three-quarters said pressure is placed on business leaders to make large political donations, and half of the executives said their colleagues ''fear adverse consequences for themselves or their industry if they turn down requests'' for contributions.

And 79 percent said the campaign finance system is ''broken and should be reformed.''

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. MCCAIN. I thank the Chair. I will make the rest of my remarks brief.

Such pressure for campaign contributions seems to be paying dividends. According to the Center for Responsive Politics, in 1992, soft money accounted for 18 percent of the political parties' overall fundraising. Today, that figure has more than doubled to ''40 percent of everything the parties raise.''

We are going in the wrong direction, and it is undermining our democracy. That is why I pledge to bring campaign finance reform to the Senate floor when the Senate convenes next year.

Let me be clear; no matter which party prevails in November, our democracy will be the loser unless we clean up our political process. Without real change in how we conduct our politics, cynicism will prevail and continue to eat away at our public square, fueling even lower voter turnout and turning more and more Americans away from public service.

Mr. President, this is too high a price to pay. That is why I am committed to clean up the budget process and the way we fund campaigns. Please join me in this process.

LOW-POWER FM RADIO SERVICE

Mr. MCCAIN. Mr. President, there is a great example of the influence of special interests, which I am told has been inserted into the Commerce-State-Justice, the Judiciary, and related agencies appropriations conference report, without a debate on this floor, without a vote on this floor.

Mr. President, I understand that legislation restricting low-power FM services has been added behind closed doors to that appropriations bill. The addition of this rider illustrates, once again, how the special interests of a few are allowed to dominate the voices of the many in the backdoor dealings of the appropriations process.

Low-power FM radio service provides community-based organizations, churches, and other nonprofit groups with a new, affordable opportunity to reach out to the public, helping to promote a greater awareness within our communities, about our communities. As such, low-power FM is supported by the U.S. Conference of Mayors, the National League of Cities, Consumers' Union and many religious organizations, including but not limited to, the U.S. Catholic Conference and the United Church of Christ. These institutions support low-power FM because they see what low-power FM's opponents also know to be true—that these stations will make more programming available to the public, and provide outlets for news and perspectives not currently featured on local radio stations.

But, the special interests forces opposed to low-power FM—most notably the National Association of Broadcasters and National Public Radio have mounted a vigorous behind-the-scenes campaign against this service.

Let me repeat—and my dear friend from Nebraska joined me in this effort. Together, we tried to stop the National Association of Broadcasters and National Public Radio. Simply put, they have won again.

I believe the Senator from Nebraska will agree with me there is no way they could have carried that vote on the floor of this Senate. There is no way they could have deprived all of these communities, all of these small business people, all of these religious organizations, all of these minority groups—but they stuck it into an appropriations bill, a piece of legislation that never had a single bit of debate and would never have passed through the Commerce Committee, of which I am the chairman, if it had been put to a vote.

Earlier this year, Senator KERRY and I introduced the Low Power FM Radio Act of 2000, which would have struck a fair balance between allowing low-power radio stations to go forward while at the same time protecting existing full-power stations from actual interference. Under our bill, low-power stations causing interference would be required to stop causing interference—or be shut down—but noninterfering low-power FM stations would be allowed to operate without further delay. The opponents of low-power FM did not support this bill because they want low-power FM to be dead rather than functional.

Congress should not permit the appropriations process to circumvent the normal legislative process.

Mr. President, low-power FM is an opportunity for minorities, churches and others to have a new voice in radio broadcasting. In the Commerce Committee, we constantly lament the fact that minorities, community-based organizations, and religious organizations do not have adequate opportunities to communicate their views. Moreover, over the years, I have often heard many Members of both the Committee and this Senate lament the enormous consolidation that has occurred in the telecommunications sector as a whole and the radio industry specifically. Here, we had a chance to simply get out of the way, and allow noninterfering low-power radio stations to go forward to help combat these concerns. Instead, we allowed special interests to hide their competitive fears behind the smokescreen of hypothetical interference to severely wound—if not kill—this service in the dead of night.

Mr. President, speaking for my side of the aisle, we are the party of Abraham Lincoln. We constantly endorse the importance of religious speech to American culture. How can we possibly stifle an opportunity for minority and religious organizations to communicate more effectively with their local communities? By permitting special interests to stifle these voices we are

truly compromising the most fundamental principles of our party and our Nation.

I stand before these community-based organizations, these religious organizations, these people throughout these small communities all over America and say: I apologize. I apologize to you for this action—behind closed doors—that we are going to deprive you of a voice, of a very small FM radio station. And I will tell you who did it. The National Public Radio and the National Association of Broadcasters—the same organization that got $70 billion worth of free spectrum of public taxpayer-owned property. And, by the way, they are not giving back their analog spectrum, which is the subject for another speech. I say to the National Association of Broadcasters and the National Public Radio, shame on you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for up to 30 minutes.

Mr. HARKIN. Mr. President, I listened somewhat tentatively to the comments made by my friend from Arizona. He talked about ending the partisan gridlock. If you want to end the partisan gridlock, take a look at the tax bill that just came over. This package was never considered in the Finance Committee, never considered on the Senate floor. No Democrats were ever invited to any of the meetings to work it out. There was no consultation with any Democrat. No paper was ever shared with any Democrat in putting it together. It was stuffed into an unrelated conference report. It was sent over here for a vote. And the Republicans have said to the Democrats: Take it or leave it, but you have no part in drafting it, debating it, or anything else.

I would say, if you want to end the partisan gridlock, Republicans should start working in a bipartisan fashion around here to fashion.

I hear George Bush out there. He is saying he wants to come to Washington and end this gridlock. I say to Governor Bush: Pick up the phone and call Senator LOTT. Pick up the phone and call Speaker HASTERT. Tell them to quit playing these kinds of games, these partisan games around here, where we get a tax bill on the Senate floor, in the closing days of this year, that we have had absolutely no part in—absolutely none whatsoever.

Mr. KERREY. I would just like to ask the Senator a question. If the Senator wouldn't mind yielding, I think we can do this almost as a colloquy.

Mr. HARKIN. Yes, I would be glad to.

Mr. KERREY. The Senator from Iowa has been around here a couple years longer than I have. I wonder if the Senator would agree with me. My experience is that all 100 people in this Senate—every single one of them—are trying to do the best job they can. They have different points of views. The Republicans bring certain things to the arguments sometimes that Democrats don't bring, and Democrats bring things that Republicans don't bring from time to time.

Mr. HARKIN. True.

Mr. KERREY. I wonder if the Senator would agree with that.

Mr. HARKIN. That is true. That is the way the legislative process works. I am not always right. You are not always right. Republicans are not always right. But if we work together in that kind of a spirit, it can be worked out. That is the way it should be done.

Mr. KERREY. I wonder if the Senator from Iowa would yield for a second question.

Mr. HARKIN. Sure.

Mr. KERREY. I heard the Governor of Texas say he does not like the Vice President's tax cut proposal because it is targeted. Doesn't it seem that the tax cut proposal that is being brought to us—though it might be hard for my friends on the other side of the aisle to state that they are saying the Vice President is right—is not an across-the-board tax cut, this is a targeted tax cut? Will my friend from Iowa agree they seem to be saying we should have a targeted tax cut?

Mr. HARKIN. I agree on targeted tax cuts, but I would appreciate the Senator expanding on his point.

Mr. KERREY. Well, their bill does not have across-the-board tax cuts. There has been a debate going on between the Vice President and the Governor of Texas as to whether or not there should be an across-the-board tax cut of $1.6 trillion that the Governor of Texas wants to do, on top of $1.1 trillion of payroll tax cuts, and hundreds of billions of dollars of spending as well.

I said the other day, it reminds me of voodoo economics II. I do not think he would be proposing this, which is essentially the failed policies of the past. We tried that once before. President Bush, in 1990, broke from the failed policies of that.

I heard the Senator from Arizona earlier talk about the budget caps that were in the 1990 budget agreement. That started us on the road of eliminating our deficits. But he has an across-the-board tax cut. He is criticizing the Vice President for targeting tax cuts, and it seems our friends on the other side of the aisle are saying the Vice President is right, we should have a targeted tax cut.

I wonder if my friend from Iowa has also experienced, when you are having discussions, there are some things Democrats bring to the argument, bring to the discussion. I wonder, as I look at this tax bill, if any of the people, the Republicans who are part of this thing, ever asked the question: Now that we are going to target tax cuts, is it fair? Are we being fair here? Are we targeting it to the right group of people?

It seems to me, as I look at least at the early analysis, that that question couldn't have been asked.

Mr. HARKIN. Would the Senator enlighten us a little further?

Mr. KERREY. I don't know. I am certain we will have a chance to look at the precise numbers that CBO and others have done. As I look at the numbers right now, it seems our friends on the other side of the aisle, having put this together without Democrats there —if the American people wonder what they lost by not having Democrats there, it doesn't look as if anybody was there to say: Is this fair?

What they have said is, we are going to target $4 billion a year of tax cuts to Americans who make more than $319,000 a year. A lot of my friends make more than $319,000 a year, but $4 billion total out of what appears to be about $6 or $7 billion a year seems to be a pretty big targeted tax cut for people over $300,000 a year. For Members of Congress on up, we are a little over $130,000. It is $670 million of targeted tax cuts to that group. But for the group of Americans under $40,000 a year, they get about $50 or $60 million total.

I don't know. I guess many of my colleagues felt the same sort of movement of their hearts when they read the stories of the sailors who lost their lives on the U.S.S. *Cole*. We had a chance to read the biographies. It was a very moving thing to think about their lives. I noted that not a single one of those individuals were college graduates. They were all high school graduates. They were all enlisted, save one who was an ensign, just became an ensign after 12 years of enlistment. If you read their stories, their moms and dads are waiters; their moms and dads are nurses; their moms and dads are schoolteachers; their moms and dads are making less than $40,000 a year. That is a majority of the country. Those are the folks who are running our Little League baseball groups. Those are the people who are volunteering at church.

If you decide the Vice President is right—we should not have an across-the-board tax cut; we ought to have a targeted tax cut—it seems to me that we ought to be trying to target it to those folks who are having trouble sending their kids to college, having trouble paying health care, having trouble doing all sorts of other things as well. It seems to me what was missing as they put this thing together was some Democrat raising their hand and saying: Is this fair?

I wonder if the Senator from Iowa would agree with that sort of quick analysis.

Mr. HARKIN. I appreciate the Senator from Nebraska bringing that out because obviously this is a targeted tax cut. As the Senator just said, they have targeted it to the wrong people: not the kind of people and the families whose sons and daughters lost their lives in the Persian Gulf recently, not those, but to those with the highest incomes.

I know the Senator had the aggregate figures, but he mentioned the fact

that most of these families make less than $40,000 a year. Under the Republicans' targeted tax cut, if you are a family making $24,000 to $39,300 a year, if you are in that group where average Americans are, you get $94 a year in a tax cut. If, however, you are making more than $319,000 a year, on average, you get 4,158 bucks a year in a tax cut from their targeted tax cut.

So the Senator is right. They have targeted it to those who make more than $319,000 a year. And the Senator is right, you have to ask the question: What is fair about this?

Mr. KERREY. I am very sympathetic to the large amount of taxes that higher income Americans are paying. They have been contributing a substantial amount to deficit reduction since President Bush signed into law an increase in their taxes in 1990 and President Clinton essentially continued that in 1993. And the Republican Congress, to their eternal credit, continued it in 1997. We have been generating a lot, and I am grateful for the income. Indeed, I understand why a group of men and women putting together this tax bill would be more sympathetic to people making over $130,000 a year. That is most of us. In fact, indeed, it is all of us. We tend to hang out with people who make more than $130,000 a year, and we complain about our taxes, too. I understand why we are sympathetic.

It seems to me what was missing in all of this, what I find to be very difficult to support, now that we have decided the Vice President is correct; we should have a targeted tax cut rather than across the board, I don't think it passes the fairness test. As a consequence, the American people are going to end up, if this becomes law—and the President has indicated he is going to veto it, thank goodness, because if it did become law, they would end up having a very difficult time saying, well, yes, it cut taxes in a targeted way, as the Vice President is suggesting, but it doesn't seem to be a fair proposal.

Mr. HARKIN. The Senator is right. It does not pass the fairness test at all. I might ask the Senator one other question. We know that there are a lot of people in this country who lack health insurance. As I understand it, in this tax bill, there is a provision that is supposed to expand coverage. But the way it is drafted, $18,000 in tax benefits are provided for each estimated person who will gain health insurance coverage. I ask the Senator, does this sound like fiscal conservatism?

Mr. KERREY. It seems nobody was in the room to say: Hey, that doesn't seem to be fair. If you look at the average household—Nebraska and Iowa are pretty close to being the same —the average household in Nebraska pays more payroll taxes than they pay income taxes. Income credits very often don't affect them at all. One of the great paradoxes of allowing people to deduct health insurance is the higher your income, the more subsidy you get. We have an awful lot of people in Nebraska who don't have health insurance as a consequence of where they work. And when they go out and try to buy this health insurance, they don't get as much subsidy as somebody who has a higher income. As a consequence, they are not buying it. As a consequence, we now know it is fact that you are going to be less healthy if you don't have health insurance. My friend from Iowa is exactly right again. It doesn't pass the fairness test.

Mr. HARKIN. The Senator points out that most people pay payroll taxes. Especially in the income brackets where they are lacking health insurance, they are paying more in payroll taxes than they are income taxes. That is why you are only getting 600,000 more people with health insurance at a cost of $18,000 in tax incentives per person per year. What a giveaway.

Does the Senator agree that for those income groups that lack a lot of health insurance coverage—and that is low-income people who are working for minimum wage or maybe above minimum wage, or working for small businesses that can't afford to give them health insurance coverage in our small towns and communities —would it not be better or cheaper, fairer to expand the Medicaid program or the CHIP program to cover the kids?

Mr. KERREY. Absolutely. It would be fairer to provide full deductibility for the self-employed. The Senator from Iowa and I both represent a lot of self-employed families, many of whom are farmers, and they are increasingly going into town to get the jobs just to get health insurance. Absolutely, it would be more fair.

I find most Americans want to do things in a fair way. They want us to tell them the truth about the facts. If they see the facts, they see the struggle that is going on.

Again, I wonder if anybody who was sitting in this room putting this tax bill together said, hey, did you see the story that says that now a majority of households in America have both mom and dad working? Did you see the story in the newspaper that said of the 270 American corporations surveyed, 70 percent paid less than the 35 percent effective tax rate, and a large number of them didn't pay any taxes at all because they are using stock options to reduce the cost of their taxes?

Did you read the story about Americans with higher incomes saying they don't want to pay any taxes so they will park their accounts down in the Bahamas and get a credit card or a debit card? Did anybody in this room say that is not fair? Maybe we should say to these folks who are down there running their accounts in the Bahamas: The next time you have a fire in your house or need the police force, or need the Navy, why don't you get the Bahamian Navy or the Bahamian police force or the Bahamian firefighters to help you out?

I mean, did anybody in this room say, with all the evidence around, this isn't fair? I have to say to my friend from Iowa, it just doesn't pass the fairness test. I think Americans want our laws to be fair. They want us to write fair laws and regulations. They want us to look at society and say it needs to be the land of opportunity for everybody. There are very few Americans who would not like a tax cut. If we are going to target them, as Vice President GORE has been saying, and the Republicans are going to say, we agree, the Vice President is right; we ought to have a targeted tax credit, it seems we ought to try to apply some standard or test of fairness as we do it.

Mr. HARKIN. I really appreciate the Senator's remarks.

What the Republicans have done is they have given us this tax package without involving any Democrat. So you are right, none of us was in the room to ever ask the question, Is this fair? They have now dropped this on us. What they have done, really, is sort of given lie to their whole campaign theme with Governor Bush, and that is that you need a tax cut—to just shotgun it out there—and they have given us a targeted tax cut. I am grateful to the Senator for pointing that out.

Mr. KERREY. I have one last question. I find myself saying it doesn't hurt me. I wasn't in the room. It didn't hurt me at all. As a matter of fact, because my income is over $130,000, those folks making the decision in that room helped me out. I guess I should sneak over and thank them for giving me a big tax cut. The people who get hurt are not Members of Congress who weren't in the room; they are Americans who either don't get the targeted benefit or who do get it and say, oh, my gosh, if you are going to do a tax cut, for gosh sakes, help the people who really need it. I think most Americans want our tax laws and the rest of the laws to be as fair as we possibly can make them.

Mr. HARKIN. The Senator is right.

Again, I will just add on top of that, the other unfairness part of this bill is that they didn't what they should have to really expand health insurance coverage in a meaningful way to low-income people. I am talking about people who are working, not people who are on Medicaid and getting coverage. I am talking about low-income people above the poverty line and modest income people who are working hard, making $20,000 a year; they may have a couple kids. They are not in this bill.

Mr. KERREY. I am sure my friend knows this, but one of the problems is this: Let's say you have a mom and dad both on minimum wage. That means they are probably making a $14,000 or $15,000 gross salary—maybe a bit more, maybe $16,000 or $17,000. I can't remember, but I think it is $8,000 that the minimum wage will produce. Say both are working 40 hours a week and generating $18,000 to $20,000 a year. FICA is taking a lot of taxes from them to pay the health insurance of a lot of other people. I have a claim on their income.

Every Member of Congress who will get a big tax cut has a claim on their income to pay our health insurance.

Did anybody in that room putting the tax proposal together say, hey, I don't think that is fair? Well, that is why you need Democrats in the room. That is why God created Democrats. We sit in the room and say, Is that fair? Sometimes we do it to a fault. That is why we need Republicans to push back and say, Can we afford it? Some of us have Republican and Democrat in us and go back and forth all the time. This isn't fair. As the Senator said, I represent low-income working families without health insurance subsidizing my health insurance. I have a claim on their income. They have no claim on mine, and I am getting a big tax cut. I just say to my friend, does that seem fair to you?

Mr. HARKIN. This is not fair.

After listening to the Senator, it raises another question in my mind. Sometimes it seems that Republicans don't believe there is anybody in this country who makes $20,000 or $30,000 a year. Maybe they think this is a myth. Sometimes it seems like they don't exist for them.

Mr. KERREY. I think they do understand it. I think they do, but the problem, it seems to me, is you have to step back from time to time and look at the work you are doing, and you have to apply other values, other standards, to it.

I just don't, in this case, look at this proposal—and I am not able to reach the conclusion that I am going to target a tax cut, as the Vice President has been calling for, that somebody was in that room saying, gee, we have to make sure it is fair. It just didn't get there.

I appreciate very much the Senator answering the questions I have asked of him. I look forward, in fact, to a time when we have our friends on the other side of the aisle engaging in this dialog.

Maybe there is an answer here. Maybe somebody was asking the question over and over: Is this fair? I watched with great interest as the Texas Governor talked about compassionate conservatism. I wonder if my friend noticed that some of his Republican friends were saying: Hey, knock that compassion stuff off. You are sounding too much like a Democrat there, let alone acting compassionately. If you use that word too much, you might not get enough people to come out and vote for you.

I understand and appreciate when my friends on the other side come and say: You want to make it fair, but we have to afford it. God bless them. Senator MCCAIN earlier was talking about it. God bless Senator MCCAIN for bringing that up. We have to pay attention to the need to keep the economy growing.

Mr. HARKIN. Sometimes they ask can we afford it. I ask: can we afford to add 600,000 additional individuals under their bill by giving a tax incentive for health insurance that costs $18,000 per person per year that gains coverage, how can we afford that? Can we afford it when there are so many ways that far more people could acquire health insurance with a far smaller incentive, but one that was properly designed for the purpose.

Mr. KERREY. It does seem a little pricey.

Mr. HARKIN. I thank the Senator from Nebraska. We are going to have the debate tomorrow. We will be talking more tomorrow on the tax bill.

TRIBUTE TO SENATOR BOB KERREY

Mr. HARKIN. Mr. President, I enjoyed the exchange I just had with my good friend of longstanding, Senator BOB KERREY from Nebraska. I just want to talk a little about my friend BOB KERREY as he seeks to retire from the Senate to start a new career.

BOB KERREY is what I have often referred to as two dying breeds all rolled into one: He is a true American war hero, the likes of which this body hasn't seen for over a century, and he is a public servant who speaks his mind and the truth regardless of the political costs. Around here, that is refreshing, as we just heard.

We all know that, as a young man, BOB volunteered for duty, was accepted into the elite Navy Seals—believe me, I was in the Navy, and that is tough duty. He served in Vietnam. Three months into his service, in a very daring night mission, a grenade exploded at his feet that was thrown by the enemy. He lost his right leg below the knee. Although he was in unbearable pain from that and from other wounds on other parts of his body—his arms and hands—barely conscious, he continued to direct his men until they were able to escape.

He won the Congressional Medal of Honor—the highest American decoration—for his courage. He is the only current Member of Congress with this distinction and only the fifth Member of the Senate to win this medal. The other four won theirs during the Civil War. So BOB KERREY is the first Member of the Senate to win the Congressional Medal of Honor since the Civil War. That is why we haven't seen his likes around here in over a century.

Senator KERREY will never tell you all this. It is funny how those who have done the most in battle talk about it the least, and those who have done the least, who have used money and family connections to skirt military service, are always the loudest supporters of more military spending.

Well, Senator KERREY and I go back a long way—back to when he first ran for Governor and won in 1982. I had been in Congress for three or four terms by then. I remember going from my district border, the Missouri River—right across the Missouri River from Omaha. And since I was somewhat known in Omaha, I went across the river to campaign for this guy I had heard so much about. In spite of my having campaigned for him, he won the governorship. Since then, we have campaigned for each other in almost every election. He has either come over to campaign with me, or I have gone over to campaign with him in Nebraska. The exception, of course, was the Presidential race of 1992 when we both sought the nomination. So I suppose looking back on how things turned out, we might as well have campaigned for each other that year.

Throughout his service as Governor of Nebraska and as that State's Senator, BOB KERREY has never been afraid to let his colleagues, his constituents, and the American public know what is on his mind. He is not afraid to learn and grow and modify his opinions when issues become more clear and convincing and when other views come into play. In this way, BOB KERREY is a model legislator—not so rigid that he is mired in constancy and not so drifting that he has lost his anger.

Senator KERREY has brought his honesty and clear thinking to a host of important issues. Throughout his career, he has worked to improve education in America. He has been a staunch advocate for Head Start, youth and family mentoring, and vocational education. He has been a leader in our battle to bridge the digital divide and bring technology to the classroom. The e-rate amendment that he cosponsored allowed schools in rural areas across America to access the Internet.

He has been a lifelong champion of family farmers in Nebraska and throughout the country. He has fought to strengthen market prices, improve agricultural education, empower producers in USDA decisionmaking, and, of course, he has been one of the best supporters of increasing the use of ethanol.

BOB KERREY has also been at the forefront of a host of important government reform initiatives. He has worked on a national bipartisan commission to reform Medicare. He is chair of a bipartisan commission on entitlement and tax reform. He is cochair of a national commission on restructuring the IRS, a commission which he created back in 1996.

In addition, BOB has a strong record of service to the Democratic Party. As chair of the Democratic Senate Campaign Committee in 1995, 1996, and 1997, he pulled the Democrats through some tough times. If it weren't for his hard work, we might be a lot more of a minority than we are now.

Senator KERREY's heroism in Vietnam was just the beginning. He continued to act bravely and sacrifice greatly for this country throughout his career in government. The New School University is lucky to have someone of his stature and character at its helm. BOB KERREY is a truly unique American, one who my wife Ruth and I have been privileged to call a friend for many, many years. Ruth and I wish BOB the

best in his future endeavors, and we hope he will continue to make himself available for further public service. Our country needs it.

GOVERNOR BUSH'S TAX PROPOSAL

Mr. HARKIN. Mr. President, an article appeared today in the Washington Post, Thursday, October 26, 2000, in which the American Academy of Actuaries, a respected nonpartisan organization of financial and statistical experts, reported Governor Bush's plan to cut taxes and divert Social Security payroll taxes to establish individual accounts would make it all but impossible to eliminate the publicly held national debt.

It is interesting. Ari Fleischer, a Bush spokesman, faulted the study because it relied on growth estimates contained in a recent Congressional Budget Office report that projected long-term budget trends. He said that this assumes growth ''at an unusually low level'' past 2010.

Wait a minute. The Congressional Budget Office is run by the Republicans, not by the Democrats.

Lastly, this report said ''counting his taxes and individual accounts, Bush is very much overspending Gore.''

I ask, in this campaign who is really the big spender? Obviously, it is Gov. George Bush of Texas. Don't take my word for it. Take the word of the American Academy of Actuaries for it.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT—Continued

Mr. LOTT. Mr. President, I believe we are ready to report the conference report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A conference report to accompany H.R. 2614, an act to amend the Small Business Investment Act, and other purposes.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 2557 regarding American dependence on foreign oil.

I hope any Members who want to speak on the conference report will do so this evening. I will work with the minority leader to try to set up a time for a vote tomorrow.

In the meantime, I yield the floor for the tax debate. I observe that Senator BOND of Missouri is on the way to talk about the contents of the Tax Relief Act.

Mr. REID. Mr. President, I ask for the yeas and nays on moving to the energy bill.

The PRESIDING OFFICER. The majority leader has the floor at this time.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I understand that we do have Senators who intend to use time tonight on the tax debate or other matters: Senator REID, for 20 minutes; Senator DASCHLE for 10 minutes; and Senator DODD for 30 minutes. I am not asking to lock the time but reserving. They have indicated they would need part of that time.

Senator BOND, the chairman of the Committee on Small Business, is here and wishes to continue the floor discussion on the tax bill.

Mr. REID. Let me say to the leader, we do have some people who wish to speak. As I indicated to the majority leader, the Democratic leader has been trying to find time all day to speak. He is in his office and will come out here in a short time to speak for 20 minutes or so. We have a number of other people to speak on this legislation. It shouldn't take too long.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REID. Will the Senator withhold for a second? Senator DASCHLE, as I indicated to the leader, has been waiting to speak all day. Would the Senator yield to the Democratic leader to give a speech?

Mr. BOND. I am happy to do so, so long as I can regain the floor when he concludes so I may discuss the conference report which is before the Senate. I am happy to accommodate the distinguished minority leader.

The PRESIDING OFFICER. Is the Senator seeking unanimous consent to retain the floor?

Mr. BOND. I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader.

Mr. DASCHLE. I appreciate very much the cooperation of the Senator from Missouri.

ENDING THE 106TH CONGRESS

Mr. DASCHLE. I wanted to talk briefly tonight about where we are. We are now 26 days into the new fiscal year. We should have completed our work 26 days ago. We are at a stage that should command we work together to try to resolve what remaining differences there are, finish our work, and do all we can to bring this session to a close.

Unfortunately, that is not what has happened tonight. What has happened tonight is that our Republican colleagues have insisted on a conference report for Commerce-State-Justice which they know will be vetoed. They have insisted on drafting a piece of legislation incorporating $240 billion in tax cuts, approximately $81 billion we are told—even though we still haven't had it analyzed and calculated—in changes to the Balanced Budget Act of 1997.

They insisted at the last minute, without any consultation, on incorporating one of the most controversial pieces of legislation pending before the Senate at the end of the year, a bill having to do with forcing States to accept a certain position on physician assisted suicide. There hasn't been any vote in the full Senate, but it is in this tax bill. It is a bill that has nothing to do with taxes, nothing to do with hospitals and ways with which to address the real problems we are facing all across this country with health providers, hospitals, clinics, hospice facilities, nursing homes. You name it, virtually every health facility in this country today is either on the verge of bankruptcy or in a serious financial position. We all recognize the need to do this before we leave, to address the problems our hospitals and all of our health facilities are facing.

What happened is that our Republican colleagues, with absolutely no consultation with any Democrats—House, Senate, or White House—have cobbled together a bill they know will be vetoed. The President just this afternoon sent a letter indicating he will veto the Commerce-State-Justice bill and he will veto the tax bill.

I come to the floor chagrined, disappointed, angered, frustrated. Speaker HASTERT has already reacted to the veto letters. I will quote what is reported in Congress Daily:

Do you have to have everything you want? How much petulance is there on the other side of the aisle?

When asked if Republicans would be willing to rework a tax bill at all, he responded that any new legislation would have to go through committee ''because anything else would amount to half-assed legislating.''

Let me repeat that. He said that new legislation would have to go through committee ''because anything else would amount to half-assed legislating.''

What is this, if it isn't what the Speaker has already described as half-assed legislating? We have got a bill before the Senate that nobody has seen. We have a bill before the Senate that hasn't gone through committee. No one has had the opportunity to consider it carefully. I hope my colleagues will hear me out on this. In fact, we have just heard and been told, and now it has been confirmed, that the conference report we are about to vote on

tomorrow literally eliminates the minimum wage for 6 months—eliminates it because of a glitch in the writing of the bill. We are eliminating the minimum wage for half a year in this legislation, totally. We are not rolling it back. We are not freezing it. It is eliminated.

I know our Republican colleagues had no real desire to eliminate the minimum wage, but that is what is in this legislation. Why? I think the answer is clear. Because the Speaker described it—I won't repeat it again and again but I think he had a very apt description for what we are doing right now. We are not going through committee. We are not going through the legislation on the floor. We are not going through a normal conference.

Let me start by saying what this is really all about is fairness. This is about fairness. It is about whether we are fair to a process and whether we are fair to all Senators who ought to have an opportunity to more carefully consider a $240 billion tax cut. It is about whether or not fairness would dictate that, if we are going to address a bill as important as restoring some of the payments through Medicare for all the health facilities in this country, we would have a chance to look at it; that we would have a chance to be consulted about it; that we would have a chance to voice our concerns about it and ultimately to have a chance to put the bill together in a way we can bring it back to the Senate and House with some expectation that there has been this deliberation. That is fairness.

I hear the Republican candidate for President, Governor Bush, talk, as he should, about the need for bipartisanship. If he says it once, he says it 10 times a day: I want to restore bipartisanship.

I must say, why wait until next year? Why not do it now? What is wrong with a little bipartisanship in putting a tax bill together? What is wrong with a little bipartisanship in ensuring that as we write a Balanced Budget Restoration Act that we have Republican and Democratic input? That is bipartisanship.

We have had a lot of bipartisan votes this year. We have the votes, now, to pass a Patients' Bill of Rights. That is bipartisanship. We have had Patients' Bill of Rights votes throughout the year. We have a bipartisan bill. We have had a bipartisan bill on a number of pieces of legislation relating to education, a bipartisan bill on minimum wage, a bipartisan bill on gun safety. Every time we have a bipartisan bill, the Republican leadership is not willing to allow the process to be complete. So there is no bipartisanship, whether it is on all the issues upon which we have already voted or whether it is on this bill tonight. None. Zero. No consultation.

This is about fairness. It is also about fairness when it comes to the issues we are talking about in the bill itself. I am very troubled by the amazing and extraordinarily complex ways our colleagues on the other side of the aisle have attempted to address many of the issues before us in this bill. We have not seen, until just this afternoon, what the tax bill entails. But we are told the tax bill has provisions incorporated that allow the bottom 60 percent of all taxpayers to receive only 5 percent of the tax benefits—60 percent of all taxpayers get 5 percent of the benefit. That is an unfairness as well.

We hear so much debate at the national level, at the Presidential level, about making sure everybody benefits. How is it the top 40 percent should get 95 percent of the benefit, once again? And why is it we have to insist that, in situation after situation involving tax fairness, it has to be a fight about whether or not we can equitably distribute the benefit? Once again, each and every time the minimum of what you would expect for working families is left off the table. I do not understand why we cannot be more fair when it comes to tax policy and distribution. But for 60 percent of the people to get 5 percent of the benefit is not fair.

It is not fair as well to be sending millions of children to schools that are in a total state of disrepair. I do not have the number in front of me, but I will tell you this: 76 percent of all the school districts in this country have at least one school building that is in a state of disrepair. There are hundreds of billions of dollars in backlog all over this country with regard to school construction. We have had problems with infrastructure all over our State. My State is not unique. There is not a State in this country that has been able to adequately and satisfactorily address the problems with regard to school construction—not one.

What we have said is let's take at least a modicum of the responsibility. My goodness, if we can pass highway construction bills and courthouse construction bills and airport construction bills and all the array of other housing construction bills at the Federal level, certainly we can help school districts help build better schools. What is wrong with providing them with some tools, financially, to get that job done? If this fight is about anything tonight, it is about that. It is about our inability to address in a meaningful way real school construction this year.

We had asked for a $25 billion commitment on the part of the Federal Government and this bill falls far short of the mark. And the President said on that basis alone he would be prepared to veto this bill. If we do not fix the school construction bill adequately in this legislation, it will never be signed. That, too, is a question of fairness—fairness for those school kids who must face the fact each and every day that their safety and the quality of their education is dictated by the crumbling school they must enter each and every day they come. That is wrong. That is unfair. That ought to be addressed in this Congress before we leave. And whether it is in this tax bill or in the education funding that has to be appropriated prior to the time we leave, we have to fix it. We have to address it.

There is also, as I noted earlier, a serious question relating to the fairness of the BBRA, the Balanced Budget Reform Act. We know what limited dollars we have. We recognize this may be our last shot. This may be our last real opportunity to send as much help out to the States as we can possibly provide if we are going to solve the problem of nursing homes, solve the problem of hospitals and clinics, solve the problems of hospice. Whether or not we are able to get that job done depends on whether or not we can adequately address it in this bill.

But what did our Republican colleagues do? They spent $28 billion over five years, more than a third of which goes to HMOs who have already indicated, with or without the money, they are pulling out of Medicare in many States. They will not be influenced by this legislation or by the incredible price tag this legislation holds for them.

I must say, I don't get it. We all claim to be concerned about the threat to the surplus that we have so carefully been able to amass over the last couple of years. We have all indicated that is our highest priority, to assure that we can retain the fiscal responsibility this year, next year, and from here on out. Yet we pass a bill that includes a gift of more than $11 billion to HMOs in the name of trying to keep them in Medicare in States when they have said they will not stay in those States regardless of how much we pay them, ransom or not. There is an $11 billion ransom payment in here and it is not going to help one State.

The problem we have is that it is taking money away from nursing homes. It is taking money away from hospitals. It is taking money away from hospice. It is taking money away from clinics. I do not understand, in the name of fairness, why we can't appreciate how extraordinarily important this is.

This is a question of fairness. It is a question of being fair to the nursing homes and hospitals which are hanging on by their fingernails tonight, hoping we can do the right thing in providing them with the assistance they need in fixing the mistake we made in 1997. It is a question of fairness about whether or not we are going to provide tax benefits to all the people, not just to those at the top.

It is a question of fairness with regard to whether or not schools are going to have the kinds of funds they need to ensure they have the ability to build the schools our children need today; not tomorrow, today. It is a question of fairness whether or not we can do what Governor Bush, Vice President GORE, and so many of those out there seem to be talking about each and every day: restoring some semblance of bipartisanship in this

body, in the Congress, and in the Federal Government.

We have fallen so far off that mark. There is not anything bipartisan about this package. There is absolutely nothing in here that even begins to appreciate the need for a bipartisan consensus, and here we are tonight, 26 days after the fiscal year began, with a veto of a bill that should have been resolved months ago.

It is not only unfair, it is incredibly bad management. We can do better than this, Mr. President. We have to do better than this. We have to do better than this in restoring some sort of comity, some sort of cooperation, and some sort of dialog when we take on bills of this import. We have to restore fairness if we are really going to address tax legislation this year.

Fairness dictates that we have a school construction program of which we can all be proud. Fairness demands that we find a better way to solve the BBA problem than we have in this bill. We need fairness. We need attention to those issues. We need to resolve it before we leave. We need to do it tonight, tomorrow, Sunday, Monday, however long it takes. We have to do this before we leave.

We will have more to say about this.

Mr. WYDEN. Will the distinguished minority leader yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Oregon.

Mr. WYDEN. I thank my colleague. Mr. President, I think Senator DASCHLE has given an excellent statement tonight and has come back to what I think is the central concern of our time, and that is that the people of this country want to see bipartisan cooperation on all the central matters that are before the country.

I want to ask the Senator a question about the process. I will be very brief because I know the Senator from Missouri has been anxious to talk and has been very patient.

The tax legislation before us directs Federal law enforcement officials to criminalize the pain management decisions of our health care providers in an effort to throw Oregon's assisted-suicide law into the trash can. More than 50 major health organizations have said that they oppose this effort in this legislation because they believe the bill before us is going to have a chilling effect on pain management.

I am going to have a whole lot more to say about this subject tomorrow. Tonight I will be very brief. It seems to me what Senator DASCHLE is saying tonight—and I am interested in his thoughts—is that on an issue such as this, one of the most important bioethical decisions of our time, what the Senate ought to do is have a real debate, a real discussion, a chance to work in a bipartisan way rather than proceeding as we are now to establish new rules on one of the most sensitive, ethical, and social issues of our time without any opportunity to review it or modify it.

Is the Senator from South Dakota just saying he wants Government to operate in a fashion along the lines of what the American people expect on these central and very difficult issues?

Mr. DASCHLE. Mr. President, the Senator from Oregon has stated it so succinctly and so correctly. That is exactly what I am saying. He has noted the extraordinary nature of the provision he has cited. There is a great deal of controversy involving the issue, and I give credit to those in Oregon who have tried to grapple with the very personal issue of suicide and physician-assisted efforts involving suicide.

As he has noted, a large number of organizations have publicly stated their support for the Oregon law, but the real question is not whether one agrees with the Oregon law or one does not agree. The question is, On a question of this controversy, of this import, of this breadth, should we be forced at 8:15 tonight to be talking about it without having had the benefit of discussion in the full Senate up until now?

Not only that, should we take it on a take-it-or-leave-it basis? This has been buried in a bill having nothing to do with physician-assisted suicide. This has a lot to do with taxes. It has a lot to do with school construction. It has a lot to do with health care. It has nothing to do with physician-assisted suicide, and at the last minute, our Republican colleagues put it in there, buried it in the bill and now want us to vote on it, up or down, no debate.

That is incredibly bad management. That is so unfair, not only to us—we ought to have the opportunity—but to Oregon, to the country, to the issue. That is what troubles me perhaps most of all: Once again, they have denigrated the institutional process in ways I do not think anybody can fully appreciate. Something as important as this should have its day in court. There should be a debate about it. I am sure in Oregon they spent a lot of time debating, considering, and consulting prior to the time they came to any conclusion. We should do no less.

The Senator from Oregon is absolutely right. That is in part what this is about.

Mr. WYDEN. Mr. President, if the minority leader will yield again briefly, as someone who opposes assisted suicide—and I have talked to almost all of our colleagues—I know there is very strong feeling in the Chamber, just as the minority leader has said in his thoughtful statement. There ought to be a way to oppose assisted suicide without setting in place a Federal law enforcement regime that will harm pain management.

I ask the minority leader, as we go forward in this debate, because I intend to talk for a long time about this tomorrow, is it the Senator's desire that at least we could try tomorrow to have a discussion on this extraordinarily important social and ethical question?

Mr. DASCHLE. I respond to the Senator from Oregon, since it is part of this legislation, I think it dictates that we have a lengthy discussion about it. Certainly we have to make sure that everybody understands the ramifications of all the provisions.

Again, in the name of fairness, we ought to be providing those Senators who have a great deal of interest in this issue and who certainly know more about it than many of us who have not been exposed to much of the debate to date, that we have some discussion about it. Again, it goes back to the Speaker's comments in the first place. You can do it the right way or you can do it the way they have done it tonight. We have done it wrong tonight. People like the Senator from Oregon, like the Senator from Nevada—all of us—deserve better. The people deserve better. We are going to insist that they get better than what they have been given so far.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Missouri.

Mr. BOND. Mr. President, I am going to make some comments about the conference report that is before us, but perhaps it would be advisable to set the record straight. I agreed to allow the minority leader to go first as a courtesy to him. There are many things he said that I believe reflect a viewpoint many of us on this side of the aisle do not share.

I would only note that when we talk about bipartisanship, it was our understanding that the leadership on both sides, for example, agreed we would get 10 appropriations bills passed out of the Senate before the July recess. Due to the extensive debate and extended dilatory activities engaged in on this floor prior to our August recess, to get something like the fifth, sixth, and seventh bill before us, we had to invoke cloture.

Now, to me, that is not a mark of good bipartisan cooperation. We have been stalled for many months. There have been examples where we have worked on a bipartisan basis.

In another role, I express my appreciation to my colleagues on the Democratic side of the aisle for getting our Veterans Affairs, Housing and Urban Development bill passed. I think we have worked on a bipartisan basis there.

But with the problems we are having with the appropriations bills, the problems we are having throughout, I do not think the other side can say we have been the ones who have refused to operate in a bipartisan manner.

I heard reports from the majority leader, for example, of the contacts made to him by the President of the United States, a Democratic President, about this bill and about the measures in it.

If you look at this bill, a lot on my side of the aisle do not like it because it has so many of the priorities that our Democratic friends wanted. If this were strictly a Republican or a partisan bill, I do not think you would see

the minimum wage in its current form; you would not see the community renewal, a massive new Federal Government program.

Frankly, with all the spending the President has requested in the Labor-HHS appropriations bill—and the President is now requesting more spending in that bill than his initial budget request—to add, as this bill does, some $16 billion for school construction, which is two-thirds of the President's request, I think is a major step towards helping in this new area, which traditionally has been the responsibility of the local school districts.

We have heard there is a desire for more and more spending. That is not surprising. That is the habit of our friends on the other side of the aisle. They have never seen a tax surplus they did not want to spend. Tax cuts are very unpalatable to them. But we want to leave some of the taxes in the pockets of the people who earn them.

I have not seen the figures—I do not know the study the minority leader came up with to say that 60 percent only get 5 percent of the tax cuts—but I think, if my memory serves me correctly, the lowest income 40 percent of the population do not pay any income taxes. I imagine the lowest 60 percent probably pay not more than a couple of percent of the total tax burden.

Now that is not to say there has not been some fuzzy math with respect to the figures we presented, but only to say that if you are going to have tax cuts, the people who get the tax cuts are going to be the people who pay the taxes. It sounds logical, sounds simple, but that is the fact of the matter.

I might add, also, that small rural school districts will be benefited in school construction because their exemption has been raised from $10 million to $15 million.

When we hear talk that the Democrats have not had anything to say about this, the tax bill includes bills that have already been voted on and passed, been voted out of the House, been voted out of the Finance Committee. Certainly the small business portion of the bill, which I am going to talk about, has been passed, as usual, out of the Small Business Committee on a unanimous vote, a bipartisan vote.

If I remember correctly, when the bills that are included in the small business section came before this body, there was only one dissenting vote, and that was on my side of the aisle.

But if there is ever a bipartisan measure, it is the measures we have reported out of the Small Business Committee.

On the Retirement Security and Savings Act of 2000, when the House passed the pension bill earlier this year, it was a vote of 401–25. It was reported out of the Finance Committee last month by a unanimous vote. I was not there for the vote, but I assume there were some Democrats there—there usually are—who voted for it unanimously.

So it stretches credulity beyond any acceptable measure to say that this does not incorporate measures adopted and supported by our colleagues on the other side of the aisle—certainly measures demanded by the President.

We had a caucus on our side, and many people thought it would be difficult to vote for a bill because there were so many priorities from the Democratic side. But under the measure that has come before us, there are clearly many important Democratic priorities.

Excuse me, I misspoke a few moments ago when I indicated what the percentage of total taxes was paid by the lowest income taxpayers. The lowest income taxpayers, the bottom 56 percent pay 6 percent of the taxes. So that is roughly the figure.

H.R. 2614—CONFERENCE REPORT

Mr. BOND. Let me move to the bill before us. It has been thoroughly covered with faint praise. Maybe it deserves a hearing in its own right before this thing gets pasted all over the place. I would like my colleagues and our constituents to know what is in it because I think there are some good things in it.

The conference report on H.R. 2614, the Certified Development Program Improvement Act, has grown over the past week to include not only a 3-year reauthorization bill for the Small Business Administration, but it includes extensive tax legislation, provisions to reform and improve the Medicare program, and, as I mentioned, pension reform. We might call this bill ''Small Business and Friends.'' A lot of important luggage is being carried on the train that our little small business bill is pulling.

As chairman of the Committee on Small Business, I will comment first on the Small Business Reauthorization Act of 2000. This is, as I said before, the result of many months of work by the Senate and House Committees on Small Business. The bill is the conference agreement to reauthorize most small business programs at the Small Business Administration, and it reauthorizes the Small Business Innovation Research Program.

To summarize the provisions briefly, this includes an 8-year reauthorization of the Small Business Innovation Research Program, the SBIR Program. This program was initially implemented in 1983 and allows Federal agencies to award research grants and contracts to small research firms. This is vitally important to develop the capacity in the economy as a whole, and the country as a whole, to do high-quality research needed by the Federal Government.

Some 50,000 SBIR awards have been made since the inception of the program. It contains measures to ensure that small businesses receive the appropriate allocation of Federal R&D funds, to require that agencies retain more comprehensive information on the program's operations that will improve its management, and to protect the intellectual property of the small businesses that participate in the program.

The conference report also establishes what we call the FAST program, a matching grant initiative to provide incentives to States to assist in the development of high-tech small businesses.

We have noted, particularly those of us from the heartland, that companies on the east and west coasts generally receive the vast majority of SBIR awards, while companies in the South, Midwest, and Rocky Mountain States receive proportionally very few awards. Out in the heartland, we, too, have technology. We have research capabilities. The FAST program will help even out the concentration of the awards by providing wide latitude to States to provide the type of help their high-tech businesses need to succeed and create high-paying quality jobs for their citizens.

The Small Business Reauthorization Act of 2000 also includes a comprehensive reauthorization of the credit and management assistance programs that are included in the broad umbrella of small business programs administered by the SBA. The omnibus bill includes the flagship 7(a) guaranteed business loan program, the Small Business Investment Company program, and the Microloan program. Certain improvements were made to the Microloan program championed by the ranking member of the Committee on Small Business, the distinguished Senator from Massachusetts, Mr. JOHN KERRY. The Microloan program has been expanded. We also included aspects which will be especially beneficial to women-owned small businesses across the United States.

In addition, this extensive legislation would reauthorize and make improvements in the management assistance programs, including the SCORE and Small Business Development Center program. As a result of the continuing oversight responsibilities of the Committee on Small Business, the bill includes a significant improvement package for the HUBZone program. This is a program which I was pleased to present and have adopted by Congress, signed by the President, that provides set-aside contracts to bring jobs and economic opportunity to areas where there has been high unemployment and high poverty. This is a geographically based program, which actually takes the jobs to the communities that need them to help people get from welfare to work by using the power of the Federal Government as a purchaser to create business opportunities.

First and foremost, the bill, H.R. 5545, addresses the inadvertent exclusion of Indian tribal enterprises and Alaska Native corporations from the program. These provisions resulted from extensive negotiations between

the Committee on Small Business, the Committee on Indian Affairs, and the Alaska congressional delegation. The HUBZone section of the bill also seeks to clarify the effects of the HUBZone price evaluation preference on commodity procurements in which the range of bid prices tends to be small, and the HUBZone price evaluation preference would be overwhelmingly decisive.

In addition, the legislation makes other improvements and clarifications in a variety of SBA programs to make them more effective. For example, there has been some confusion among the Federal agencies about contract preferences for service-disabled veterans. This bill would make it absolutely clear that service-disabled veterans are on the same preference level as the small disadvantaged businesses and women-owned small businesses for Federal contracting opportunities.

The conference report incorporates the new market venture capital program of 2000. The purpose of this program is, similarly, to promote economic development, new investment, and job opportunities in low-income areas. It accomplishes this goal by providing incentives to encourage small venture capital firms to invest in targeted low-income communities and economically distressed inner cities and poor rural counties.

This is a program that has been developed with bipartisan support. This is certainly something that will assist us in this country in getting more people off of welfare, making sure that job opportunities go to the places and the people who most need them.

When the Congress enacted my HUBZone legislation 3 years ago, it established the Federal contracting incentives to lure small businesses into distressed cities and rural counties. I believe this new market venture capital program will add an additional building block in our strategy to make sure these economically distressed areas are attractive to small businesses and that they will be able to bring job opportunities and new vitality to these historically neglected areas of the Nation.

As everybody now has heard from the other side, the conference report does deal with taxes. I believe it is a great victory for the American taxpayers. The tax portion has four sections. First, the legislation includes the Foreign Sales Corporation Repeal and Extraterritorial Income Exclusion Act of 2000. I can see that is going to be a real winner. That title really rolls off your tongue, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000. That one will be a winner. But it is must-do legislation, seriously. We have to do it by November 1, if we are to avoid a potential trade war—at least sanctions —with the European Union.

Second, the conference report includes a House-Senate compromise on the Retirement Security and Savings Act of 2000, which has enormous bipartisan support, having passed the House earlier this year by a vote of 401–25 and being reported out of the Senate Finance Committee by unanimous vote. That legislation includes sweeping changes encouraging retirement savings, expanding pension coverage by increasing contribution limits on IRA and other types of pension plans, increasing portability, and providing meaningful relief for women who often take time off to raise their families. And it contains a number of provisions to reduce regulatory burdens that are very excessive and will be especially helpful to small businesses, our constituency in the Committee on Small Business.

The third part of the tax portion of the conference report is a minimum wage increase and a package of small business tax provisions. I raised questions about raising the minimum wage when it first came here. I think it can be detrimental to small business. I do not believe it is good economics. We know it is good politics. It is always nice to promise somebody a raise, particularly when you don't have to come up with the money that they are being paid. This is great election year politics. I know everybody wants to do something. It makes you feel good to give somebody a raise out of someone else's pocket.

The problem is, right now it probably won't hurt small businesses too much because most small businesses I know of, if they are hiring reasonably competent workers, have to pay well over the minimum wage. The real downside is that the very people it is supposed to help are the ones who may not get the jobs. Right now we see people who have never had a job before, teenagers, first-time employees, perhaps persons with disabilities, often minority students coming out of college, have trouble getting jobs. If the minimum wage is raised, we may see in the United States, as we do in Europe, high unemployment among teenagers.

What the minimum wage does is make it very difficult to get on the first rung of that ladder of economic progress. It is like putting grease on that first rung of the ladder and saying, boy, this is going to make it easy to slip onto that first rung. Unfortunately, the grease on the first rung of the ladder too often slips people off, when businesses find they just can't make a profit, hiring people at an inflated minimum wage.

I hope we will continue, as a result of the economic and fiscal restraint of the Republican-led Congress, if we can keep the economy going as it has since the Republicans took control of the Congress beginning in 1995, we hope that wages will continue to go up and productivity will continue to go up so we don't need the minimum wage. If the time comes when there are tight economic times, the victims of the increased minimum wage will be the small businesses, the smallest businesses, the ones with the lowest profit margin and the most needy workers, the workers very often not supporting their families but trying to get on the first rung of the economic ladder so they can build a bank account and make enough money to start a family.

In addition to the minimum wage, however, there are small business advantages from this bill. I appreciate the work of Chairman ROTH to include a significant package of small business tax relief items, including something that has been my top priority since we began in 1995, and that is 100 percent deductibility of health insurance for the self-employed starting in 2001. I have been working on it for over 5 years to ensure that the self-employed are on a level playing field with their corporate competitors.

In the past we said, you can have it, but it was 2007 and then 2003. A lot of self-employed people said: That is nice, but I can't wait until 2007 or 2003 to get sick. Well, now I hope we will have it in 2001, so they will be able to afford the health insurance for themselves and their families. Coupled with a new above-the-line deduction for employees who pay for the majority of their health insurance costs, we will now reach more than a million of the uninsured and help them get the coverage they need and deserve.

Second is a repeal of the Clinton-Gore installment limitation, which has been an unforeseen barrier to small businesses looking to sell all or part of their business assets, in many cases to fund the small business owner's retirement.

Third, a clear safe harbor for small businesses to use the cash method of accounting. This has been a real nightmare for the smallest businesses, to have to come up with accrual accounting. They are in business to make widgets or sell hamburgers, not to be accounting specialists who have to come up with an accrual system. Now small businesses with gross receipts under $2.5 million can continue to use cash accounting. It also lets the IRS know that it can stop its campaign to force small businesses into using the more burdensome accrual accounting rules.

We will increase expensing of equipment up to $35,000 per year, which will reduce compliance costs by allowing small firms to deduct purchases rather than setting up elaborate depreciation schedules to figure out how to deduct them over many years.

Something we are proud of, particularly in the Ninth Congressional District in Missouri, which is represented by my colleague on the House side, who has been a champion of this measure, and my Senate colleague to the north, Senator GRASSLEY, is the new farmer, fisherman, and ranch risk management accounts —the FFARRM accounts— which permit farmers, fishermen, and ranchers to make tax-deductible contributions of up to 20 percent of the income in good years for use during subsequent economic declines. The bill

also provides important alternative minimum tax—or AMT—relief for farmers who use income averaging, and it extends the work opportunity tax credit through June 30, 2004.

The fourth component of the tax package is the Community Renewal and New Markets Act of 2000, which is intended to reinvigorate our distressed communities. This portion of the legislation includes the House-Administration compromise on empowerment zones/renewal communities and new markets tax credit, which creates 40 renewal communities and 9 empowerment zones.

This certainly was not my recommended legislation, but this was part of the bipartisan compromise we reached with the President and incorporated it in the bill. These renewal communities would have a zero capital gains rate, and the legislation creates a new-markets tax credit for equity investments in qualified low-income communities. The goal of this program is to bring the innovation and creativity of America's businesses—and especially small businesses—into these renewal communities to make real economic change for the future.

The legislation also increases the low-income housing tax credit and private-activity-bonds volume caps, which are key financing features for renewal communities. They included provisions to help clean up brownfields by allowing expensing of brownfield cleanup costs, except Superfund sites, through 2003. That is good for communities and for the environment.

These four core components of the tax package provide important tax relief for Americans throughout our economy.

The legislation also addresses several other priorities, such as the school construction bond provision which I have already mentioned. This is another avenue to address construction and modernization needs without a Federal stranglehold. It is my belief that local school districts know best how to address their needs. While providing them this assistance, it keeps the Federal camel's nose out from under the tent.

The adoption tax credit, which is very important and has been addressed previously on the floor, is to encourage loving families to adopt children. It also makes other strides toward improving and reforming our Tax Code as which we are going to have to rely. The White House leadership, next year, I believe will complete that work.

Medicare. This legislative package addresses the problems caused by the Balanced Budget Act of 1997, as implemented with the chronic incompetence of the Health Care Financing Administration. I have heard time and time again health care providers talk about what is happening to them under the BBA. When you ask the questions, you find out it is how HCFA has implemented the BBA. They have used the BBA to cut far more than Congress ever mandated.

What they seem to want to do is to cut out choice for patients—cut out the choice they have of going into a Medicare insurance plan such as we have or an HMO plan as is available to FEHBP members; it puts out their choices to use home health care.

HCFA has gone about doing everything in its power to collapse the present system. I guess—and I can only surmise —that they would like to see the kind of health care plan that was so infamously run up the flagpole in 1993 without getting any salutes.

I remember hanging around here in August of 1993 as they talked about Mrs. Clinton's health care plan and kept waiting for somebody to try to introduce it and get a vote on it. But as we looked at that June bug longer and longer, as people got to look at it more and more, the minimum amount of enthusiasm I saw initially grew even less. But HCFA has never given up. By killing off parts of our health care system one at a time, they hope maybe we can have a totally Government-run health care system.

The Vice President on the campaign trail has said he hopes to be able to go to a European system within a few years. Well, if you let HCFA in control long enough to kill the existing health care system, there may not be anything left.

This Medicare bill, just very briefly, provides benefits to patients and providers worth $32 billion, benefits for nearly 40 million Americans relying on Medicare. Glaucoma screening, colonoscopy screening, mammography, nutrition therapy services for some patients, additional coverage of immunosuppressive drugs —all have been added to the Medicare program. Help for just about every type of Medicare provider to allow them to continue to provide high-quality care to seniors and the disabled. Hospitals, particularly rural hospitals, home health care, nursing homes, hospice providers, and Medicare HMOs that have been driven out of the field by cuts, and targeted help for particular health care providers that are most in need. As one who lives in a rural community, the bill targets $1.7 billion for rural health care providers to help them deal with the unique challenges of rural health care, which I think is very important.

More than $6 billion to Medicare HMOs will help address the widespread withdrawals from the Medicare program we have seen in the last couple of years.

Why have HMOs been leaching Medicare? Not because they are evil incarnate, as some would have us believe. If that were the case, the seniors losing their HMO coverage would not be so upset. No, these providers left because the payment system for HMOs is seriously flawed and in many areas has provided inadequate reimbursement. This new funding will address this issue.

Approximately $1.5 billion in assistance to home health care providers. Home health care patients have, by far, borne the greatest brunt of HCFA's maladministration of the BBA. They were supposed to save $16 billion over 5 years, and they are on the path to save $55 billion to $60 billion by eliminating too much of home health care and making it unavailable. It has been devastating. Tens of thousands of seniors previously receiving home health care lost it during the crisis of the last few years. The bill postpones for 1 additional year the potentially devastating 15 percent cuts which are addressed in this legislation. They would be the death knell of home health care.

Next year, we need to get rid of that completely. We need to get a brand new Medicare system, such as the bipartisan deal that was worked out in the Breaux-Frist commission before the White House pulled the plug on it.

Finally, this bill helps community health centers, the clinics that exist in more than 3,000 urban and rural medically underserved areas nationwide, ensuring that they continue to receive adequate reimbursement from the State Medicaid programs so they can pursue their mission of providing care to those Americans who would otherwise not get any.

There is a long list of more than 40 organizations, led by the American Hospital Association, supporting this legislation.

I ask unanimous consent to have a letter from the AHA to Chairman BILL THOMAS on the House side listing the letters of support for the provisions printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BOND. Mr. President, overall I believe this is an excellent package that is badly needed by seniors, the disabled, hospitals, nursing homes, and other providers.

Finally, we have already had a lot of discussion about the Pain Relief Promotion Act. Obviously it is controversial. The bill simply amends the Controlled Substances Act to prohibit the use of federally regulated drugs to help his or her life.

Let me be clear about that. Simply put, this would prevent any effort to assist in a suicide by using controlled substances such as powerful pain killers. The bill goes further in its efforts to provide appropriate relief to people suffering great pain. It provides a variety of provisions and educational programs to encourage appropriate pain relief. Indeed, under this legislation for the first time ever the Controlled Substances Act would explicitly recognize that aggressive pain relief is an appropriate and fully warranted use of controlled substances.

I believe a vast majority of Americans share a simple belief—that I hold very strongly—that doctors we rely on to nurture and extend our lives should not be party to efforts actively to promote someone's death. The bill simply recognizes that consensus.

It looks like we are going to have lots of discussion and have an opportunity to hear many different views on this legislation. But before we paint it as the most ugly duckling coming down the path, I thought my colleagues and those who may be watching or listening still at this late hour would like to know that there are some beautiful limbs and beautiful facets of this that are very important bipartisan measures.

I hope we can pass this because there are many priorities that the President has asked for, that leaders on the Democratic side have asked for, and I believe our side wishes as well that are beneficial to a great number of American people who are waiting for our response.

I thank the Chair. I apologize to my colleague from Nevada whom I misled into thinking that it was going to be a short set of remarks.

EXHIBIT 1

AHA, ADVANCING HEALTH IN AMERICA,
Washington, DC, October 26, 2000.

Hon. BILL THOMAS,
Chairman, Subcommittee on Health, House Ways and Means Committee, Washington DC.

DEAR REPRESENTATIVE THOMAS: On behalf of the 5,000 members of the American Hospital Association (AHA), I am writing to express our views regarding the ''Beneficiary Improvement and Protection Act of 2000'' (BIPA). We believe this legislation will take another step forward in addressing the unintended consequences of the Balanced Budget Act of 1997 (BBA). Consequently, as we approach the remaining hours of the congressional session, we are urging Members to vote in favor of this legislation, and have recommended that the President not veto the legislation.

As we understand the provisions of the legislation, it includes a number of provisions that provide much needed relief to hospitals and health systems throughout the country. Such provisions include: a full market basket inflationary update in FY2001, and elimination of half of the reduction in FY2002; temporary elimination of the reductions in Medicaid DSH state allocations in FY 2001 and 2002, and allow the program to grow with inflation in those years; increase the adjustment for Indirect Medical Education to 6.5% in 2001 and 6.375% in FY 2002, and establish an 85% national floor for direct Graduate Medical Education payments; equalize payments to rural hospitals under Medicare DSH; increased flexibility for critical access, sole community, and Medicare dependent hospitals; increased bad debt payments from 55% to 70% for all beneficiaries; and a full market basket update for outpatient hospital services.

The bill will also provide relief to home health agencies and skilled nursing facilities. As our members operate approximately one-third of the home health agencies and one fourth of the skilled nursing facilities, relief in this area is also vitally necessary, and is an important feature in the bill. In addition, the bill includes important beneficiary protections, particularly the execrated reduction in beneficiary coinsurance for hospital outpatient services.

At the same time, we are disappointed that certain provisions we have advocated, such a full market basket increase in FY2002 for both inpatient and outpatient hospital services, complete elimination of the impact of the BBA's reductions in Medicaid DSH, and maintaining the IME adjustment of 6.5% beyond FY 2001, were not included. We are also concerned that additional reductions in the hospital inpatient market basket in 2003 were included in the bill. We look forward to working with you in the next congress to achieve these additional changes.

Again, we appreciate your efforts to achieve additional BBA relief this year.

Sincerely,

RICK POLLACK,
Executive Vice President.

MEDICARE, MEDICAID & SCHIP IMPROVEMENTS ACT OF 2000—LETTERS OF SUPPORT

Federation of American Hospitals,
National Association of Community Health Centers,
American Medical Rehabilitation Providers Association,
HealthSouth,
National Association of Long Term Hospitals,
Acute Long Term Hospital Association,
National Association of Children's Hospitals,
Kennedy Krieger Institute,
National Association of Rural Health Clinics,
National Association of Urban Critical Access Hospitals,
American Medical Group Associates,
Mississippi Hospital Association,
Tennessee Hospital Association,
The University of Texas System,
National Association of Psychiatric Health Systems,
Healthcare Leadership Council,
National Association for Home Care,
American Association for Homecare,
American Federation of HomeCare Providers,
Alliance for Quality Nursing Home Care,
American Association of Homes and Services for the Aging,
Visiting Nurses Associations of America,
National Hospice and Palliative Care Organization,
National PACE Association,
Association of Ohio Philanthropic Homes, Housing and Services for the Aging,
John Hopkins Home Care Group,
Patient Access to Transplantation Coalition,
LifeCare Management Services,
American Cancer Society,
Alliance to Save Cancer Care Access,
Intercultural Cancer Center,
The Susan G. Komen Breast Cancer Foundation,
National Kidney Foundation,
The Glaucoma Foundation,
Juvenile Diabetes Foundation,
National Multiple Sclerosis Society,
American College of Gastroenterology,
American Academy of Ophthalmology,
American Optometric Association,
American Dietetic Association,
American Association of Blood Banks/ America's Blood Centers/American Red Cross,
Association of Surgical Technologists,
AdvaMed,
GE Medical Systems,
Landrieu Public Relations,
National Orthotics Manufacturers Association,
American Orthotic and Prosthetics Association,
UBS Warburg.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Missouri did not mislead me. He never has. The fact is, he didn't contemplate our leader coming forward and saying a number of things that the Senator felt deserved a response. I enjoyed listening to the Senator from Missouri, even though I may not have agreed.

Mr. President, first of all, just a couple of comments on what my friend from Missouri just said.

With the pension provision in the bill—now some $64 billion—it is true there was some action taken in the Finance Committee. But not a single second was spent on this floor dealing with the $64 billion provision which is jammed into this bill.

On the budget amendment, $80 billion—nothing in finance. In fact, the chairman of the Finance Committee said he would allow a vote in the Finance Committee if all the Members promised not to bring up prescription drugs in any way, or Patients' Bill of Rights. The minority would not agree to that. It seems totally reasonable in the Finance Committee that this is something that should have been brought up. As a result of the chairman's action, the matter was not brought before the Finance Committee. And again this $80 billion matter received no floor consideration.

New markets initiative: $25 billion—nothing in the Finance Committee; no action taken on the floor.

Keep in mind that I have gone over just a few things; in fact, three. We are already up to about $200 billion, and not a single minute spent on the Senate floor with $200 billion of the taxpayers' money. That doesn't take into consideration foreign sales. That is $4.5 billion. The Finance Committee spent a little time on that; nothing on the floor. Why? Because the outlandish proposition was made that if this came to the floor, someone was going to offer an amendment. Pardon me. But isn't that what the Senate is all about? People have a right to offer amendments to pieces of legislation. But because there was this terrible threat that on a piece of legislation a Senator will offer an amendment, we have no floor action on it; again, $4.5 billion.

I also say there is going to be plenty of debate tomorrow on a number of these issues. But on this bill itself, there has been no conference and no Democratic involvement at all in bringing this bill to the point where it is. The Democrats were not even allowed to see the document until it came here.

These are members of the Finance Committee. One of the most bipartisan and, I would say, nonpartisan people I have ever worked with is the senior Senator from Louisiana, JOHN BREAUX, a senior Member of the Finance Committee. He was not allowed to look at any of the papers. He was not happy about that.

Today the bill was dumped in our lap.

I would also say about the assisted suicide that there will be lots of debate on it tomorrow. The Senator from Oregon, Senator WYDEN, feels very strongly about this, as he should. Why? It doesn't matter how you feel on this

issue. The fact is that the voters in the State of Oregon said we feel this way on assisted suicide. As a result of the people of Oregon passing a law in the State of Oregon, we now have this action.

It seems to me those who keep talking about States rights should leave a State alone. People of the State of Oregon voted a certain way. If you disagree with what the people of the State of Oregon did in voting in favor of assisted suicide, then let's at least have the ability on the Senate floor to debate the issue which we have been prevented from doing.

My friend from Missouri, for whom I have the greatest respect, talked about health care.

They always throw in the 1993 Clinton health care plan. Let's bring this down to reality so people really understand what this is all about.

When the health care debate started, 80 percent of the people of America favored reforming the health care system. But then comes Halloween and the masquerade by the health insurance industry. They spent over $100 million trying to abuse and frighten the American people. They succeeded beyond anyone's wildest dreams. They were probably even surprised on how they succeeded in frightening the people of America with their Harry and Louise ads and with their clever manipulations.

As a result of that, we got no health care reform because after they did their television and radio advertising, 80 percent of the people in America didn't want health care reform. They were frightened. They were confused.

That doesn't take away from the fact that we now have 45 million people with no health insurance. It doesn't take away from the fact that we have many people who have insurance that gives them minimum and inadequate rights. That is why we tried to pass the Patients' Bill of Rights—to give patients certain rights.

THE NOVEMBER ELECTION

Mr. REID. Mr. President, my friend from Missouri not so subtly indicated that he thinks there is going to be a new world out there after the November 7 election. I think he is going to be very disappointed. He is going to be disappointed because the American people understand the record of George W. Bush better each day.

For example, the prescription of George W. Bush for health care, I think, is bad medicine for America. Why? Because the State of Texas and George Bush have the worst record in the nation on health insurance coverage. That says a lot. But he has won that award; just like Houston is the most polluted city in America. He won that award. He also wins the award for the worse health coverage in America. Texas has fallen to last among all States in overall health insurance coverage. Texas ranks second to last in health insurance coverage for children, and the percentage of children without coverage has gone up under the Governor.

While nationwide Medicaid enrollment has increased, Medicaid enrollment in Texas has declined.

George W. Bush retains roadblocks to eligible populations in health programs. Even a judge found Texas guilty of not providing 1.5 million children with adequate health care. This was August of this year. The justice said the State failed not only the 1.5 million children but 13,000 abused and neglected children. Rather than taking corrective action, the State decided to appeal the court's ruling over the objection of State legislators.

Texas legislators blame Bush for Texas' poor health insurance coverage.

In a letter to the Vice President from Texas State representatives, the Governor prioritized oil breaks over children's health insurance in 1999. In 1999, after Bush deemed a $45 million oil industry tax break an emergency and made it the first signed bill of the session, Democratic legislators questioned his priorities in putting the legislation before expanding the CHIP program, or children health insurance programs. ''It's about priorities,'' Democratic representative Dale Tillery said. ''I know a whole lot of uninsured children, but I don't know a whole lot of poor oilmen.''

I could go into more detail about Governor Bush's record on health care but this gives us a general idea.

The American public is beginning to find out more about George W. Bush. Yesterday, the Rand Corporation, a nonprofit organization that helps improve policy and decisionmaking through research and analysis, an independent, fair, nonpartisan corporation, said that claims Governor Bush has been making about education in Texas and how well they are doing is without foundation, not factual. In fact, the only way that Governor Bush is able to take any credit for it is that tests are skewed in Texas. The Rand Corporation said if you use Texas math in any State, the education scores all over America would be magnified.

The fact is, the State of Texas is doing worse that most States. What Governor Bush is claiming about education is simply without foundation.

In addition to the independent Rand Corporation, another independent nonpartisan body, the American Academy of Actuaries, reported today that Governor Bush's proposed tax cut will basically bankrupt the country. The American Academy of Actuaries report finds that George W. Bush's $3 trillion tax cut, combined with his plan to divert money from the Social Security trust fund into individual stock market accounts, would make it all but impossible to eliminate the publicly held national debt. In fact, one of the people from the American Academy of Actuaries who worked on this report said: I don't see any way they pay off the public debt. Given Bush's large package of tax cuts, the budget will go negative quickly. There won't be a surplus anymore.

This is not a partisan report. It has been produced by one of the most widely respected organizations in America. The American Academy of Actuaries is part of a growing chorus of voices which have discredited Governor Bush's plan to privatize this Nation's most successful Federal program in our history, Social Security. In August, the Century Foundation also concluded that Governor Bush was making a promise to seniors and to young people that he couldn't keep with his Social Security privatization scheme. You can't do it for both.

This study, which was written by the respected economist Henry J. Aaron and former Federal Reserve Board member Alan Blinder, found that diverting just 2 percentage points of the Social Security payroll tax into private accounts would result in a reduction of benefits by as much as 54 percent and higher payroll taxes to keep the Social Security trust fund solvent.

In addition, Larry Summers, the Secretary of the Treasury, who is also a trustee of the Social Security system, and therefore has a fiduciary relationship to make sure the system remains solvent, said if just 2 percent of the payroll tax is diverted from the Social Security revenue stream, the Social Security trust fund will lack the resources to pay benefits by the time someone who is now 40 retires.

By today's report, the most damning indictment of the Bush plan to date is this report from the actuary group, the first independent report finding that the Federal budget surplus, a result of hard choices we have made in this country, would be eliminated by Governor Bush's shaky retirement scheme. To add insult to injury, not only would we return to the bad old days of deficits as far as the eye could see, we would devastate the most popular social program in the Nation's history, a program which has virtually eliminated the poverty rate among the elderly, provides critical benefits to disabled Americans, and supports widows, many of whom have little or no retirement security.

Let's review what is at stake in this privatization scheme. We have turned a record deficit of $400 billion, counting the Social Security surplus we used to use to hide the deficit, in 1992, to a record surplus this year of $260 billion. We have paid down more than $450 billion in debt. We sparked the longest expansion in economic history, 22 million new jobs, the fastest and longest real wage growth in three decades, the lowest unemployment in three decades, the highest home ownership in two decades, and the largest 5-year drop in childhood poverty since the 1960s.

I was on a debate a week ago last Sunday and two Republican colleagues who I had the pleasure of discussing the issues with started saying it is because the Gingrich Congress that we

were able to get this House in order. I said: You must have been talking to Frank Luntz who is the pollster who always tells you guys what to say. I didn't know, but as I was speaking, he was in the room. He had been there discussing with these two Members of Congress what they should say.

We should state the facts. The 1993 Clinton Budget Deficit Reduction Act passed this body without a single Republican vote, passed the House of Representatives without a single Republican vote; the tie was broken by Vice President GORE, setting this Nation on a road to economic recovery. That is what happened. There were all kinds of prophecies of doom. I read them in the RECORD earlier today. That didn't come to be. This legislation has put this country where it should be.

There is a real chance we could throw all this away with Governor Bush's $3 trillion tax cut and his dangerous Social Security privatization plan. For a month, the Vice President has been saying that Bush's plan would hurt Social Security and bring us record deficits. Governor Bush called that fuzzy math. Now the Nation's best mathematicians have found that the public's economic plans and Social Security plans could do just that—bankrupt this Nation and Social Security.

This report validates everything that the minority has been saying over here. It tells us that George W. Bush's plan would make Social Security financially unstable during the lifetime of today's seniors. It shows Governor Bush outspending AL GORE, and AL GORE as the candidate of fiscal responsibility. By comparison, Vice President Gore and congressional Democrats want to preserve Social Security's fundamental guarantee to America's seniors. We can do that by dedicating all of the Social Security surplus to that program.

Of course we have to take care of debt reduction. Our plan reduces publicly held debt and would strengthen Social Security by using long-term interest savings to keep the system solvent.

We talked about tax cuts. But the most important tax cut the American people would ever receive is to reduce the long-held debt this country has. If we reduce that debt, it will save this country $250 to $300 billion a year according to where the interest rate is paid. That is where every American, no matter if they are rich or poor, will get a tax savings because everything they buy will be cheaper.

The Vice President also proposes to end the motherhood penalty by giving parents a credit toward Social Security for up to 5 years spent raising their children. The widow benefit would be increased. He is proposing retirement savings plus, which is not a privatization scheme but would allow Americans to create individual retirement accounts that would supplement their Social Security and help them reap historic long-term gains in the stock market.

Yesterday, I came to this floor, approximately 24 hours ago. I talked about this campaign being a campaign, we would hope, of ideas, of policy views, of a vision for what the country should be. Not the ability to operate a 7–Eleven store but to operate the greatest country in the history of the world, the only superpower left in the world.

Having said that, I am going to again give some direct quotes and these are all brand new. I did not talk about them last night. I am, tonight, going to again read verbatim quotes that have been made by a person, Governor Bush, who wants to be President of the United States. Here is what he said.

Interview with the New York Times, March 15, 2000:

People make suggestions on what to say all the time. I'll give you an example; I don't read what's handed to me. People say, ''Here, here's your speech, or here's an idea for a speech.'' They're changed. Trust me.

Interview with the Associated Press, March 8, 2000:

It's evolutionary, going from governor to president, and this is a significant step, to be able to vote for yourself on the ballot, and I'll be able to do so next fall, I hope.

Next direct quote:

It is not Reaganesque to support a tax plan that is Clinton in nature.

February 23, 2000, USA Today:

I don't have to accept their tenants. I was trying to convince those college students to accept my tenants. And I reject any labeling me because I happened to go to the university.

New York Daily News, February 19, this year:

I understand small business growth. I was one.

Florence, SC, February 17, 2000:

The Senator has got to understand if he's going to have—he can't have it both ways. He can't take the high horse and then claim the low road.

To Cokie Roberts, February 20, 2000:

Really proud of it. A great campaign. And I'm really pleased with the organization and the thousands of South Carolinians that worked on my behalf. I'm very gracious and humbled.

He said:

I am very gracious and humbled.

Newsweek, February 28, 2000:

I don't want to win? If that were the case why the heck am I on the bus 16 hours a day, shaking thousands of hands, giving hundreds of speeches, getting pillared in the press and cartoons and still staying on message to win?

Same interview:

I thought how proud I am to be standing up beside my dad. Never did it occur to me that he would become the gist for cartoonists.

Hilton Head, SC:

If you are sick and tired of the politics of cynicism and polls and principles, come and join this campaign.

That was on February 16, 2000. Again, that same day, those in Beaufort, SC:

How do you know if you don't measure if you have a system that simply suckles kids through?

Here, in Beaufort he was explaining the need for educational accountability.

In a South Carolina debate, February 15:

We ought to make the pie higher.

''Meet The Press,'' February 13:

I do not agree with this notion that somehow if I go to try to attract votes and to lead people toward a better tomorrow somehow I get subscribed to some—some doctrine gets subscribed to me.

''Meet The Press,'' February 13, 2000:

I've changed my style somewhat, as you know. I'm less—I pontificate less, although it may be hard to tell it from this show. And I'm more interacting with people.

Nashua, NH, February 1, New York Times:

I think we need not only to eliminate the tollbooth to the middle class, I think we should knock down the tollbooth.

San Antonio Express-News, January 30:

The most important job is not to be governor, or first lady in my case.

January 29, 2000:

Will the highways on the Internet become more few?

Concord, NH:

Los Angeles Times, January 28:

This is Preservation Month. I appreciate preservation. It's what you do when you run for president. You gotta preserve.

Chamber of Commerce in Nashua, NH, January 27:

I know how hard it is for you to put food on your family.

Quoted by Molly Ivins, this is from the San Francisco Chronical, January 21:

What I am against is quotas. I am against hard quotas, quotas they basically delineate based upon whatever. However they delineate, quotas, I think vulcanize society. So I don't know how that fits into what everybody else is saying their relatives positions, but that's my position.

Iowa Western Community College, January 21:

This is a quote: ''When I was coming up it was a dangerous world, and you knew exactly who they were. . . . It was us vs. them, and it was clear who them was. Today, we are not so sure who the they are, but we know they're there.''

This is from the Des Moines Register, January 15:

The administration I'll bring is a group of men and women who are focused on what's best for America, honest men and women, decent men and women, women who will see service to our country as a great privilege and who will not stain the house.

Financial Times, January 14:

This is a dangerous world. It's a world of madmen and uncertainty and potential mental losses.

Same interview:

We must all hear the universal call to like your neighbor just like you like to be liked yourself.

Florence, SC, January 11:

Rarely is the question asked: Is your children learning?

Same interview:

Gov. Bush will not stand for the subsidation of failure.

''Larry King Live,'' December 16 of last year:

There needs to be debates, like we're going through. There needs to be town-hall meetings. There needs to be travel. This is a huge country.

New Hampshire, Republican debate:

I read the newspaper.

In answer to a question about his reading habits.

''Meet The Press,'' November 21, of last year:

I think it's important for those of us in a position of responsibility to be firm in sharing our experiences, to understand that the babies out of wedlock is a very difficult chore for mom and baby alike. . . . I believe we ought to say there is a different alternative than the culture that is proposed by people such as Miss Wolf in society. . . . And, you know, hopefully condoms will work, but it hasn't worked.

From ''A Charge to Keep,'' by George W. Bush, published last year in November:

The students at Yale came from all different backgrounds and all parts of the country. Within months, I knew many of them.

New York Times:

The important question is, How many hands have I shaked?

The Washington Post, July 27:

I don't remember debates. I don't think we spent a lot of time debating it. Maybe we did, but I don't remember.

This is on a discussion of the Vietnam war when he was at Yale.

Knight Ridder News Service:

The only thing I know about Slovakia is what I learned first-hand from your foreign minister, who came to Texas.

The fact is, the meeting was not with the Minister of Slovakia but with the Prime Minister of Slovenia, two different countries.

June 16, New York Times:

If the East Timorians decide to revolt, I'm sure I'll have a statement.

Economist, June 12:

Keep good relations with the Grecians.

CNN Inside Politics, April 9:

Kosovians can move back in.

I was just inebriating what Midland was all about then.

This is from an interview, as quoted in ''First Son'' by a man named Bill Minutaglio.

Arlington Heights, IL, October 24, a day or so ago, to make sure we are current:

It's important for us to explain to our Nation that life is important. It is not only life of babies, but it is life of children living, you know, the dark dungeons of the Internet.

The debate to become President of the United States is a very serious debate. It involves things we talked about tonight. Tax policy, established by an independent group—the tax policy of want-to-be-President George W. Bush would bankrupt the country. His Social Security policy would bankrupt Social Security. His education program in Texas has been a failure. His efforts to talk about bipartisanship is without any foundation.

He, in the debates, talked about bipartisanship. The fact is, on major issues in play in this election, bipartisan projects have been blocked by the highly partisan Republican majority. Overcoming that kind of determined partisan opposition means working with people such as Dr. Charlie Norwood on the Patients' Bill of Rights.

Although George W. Bush claimed credit for the Texas Patients' Bill of Rights, the truth is he initially vetoed it and later let it become law without signature. Or working with JOHN MCCAIN on the bipartisan campaign finance reform bill or GORDON SMITH and 12 other Republicans on the bipartisan hate crimes bill or JOHN WARNER and RICHARD LUGAR on the bipartisan legislation to close the gun show loophole. Not only does Governor Bush fail to appreciate what kinds efforts these involve, he actually opposes every one of these bipartisan measures.

Instead of showing bipartisan leadership, Governor Bush stands squarely with the entrenched Republican majority on every one of these issues, and that is not bipartisanship.

I read quotes tonight and last night. The American public must decide for themselves if this man is the person who should be President of the United States.

Mr. President, until my friend, Senator BROWNBACK, arrives, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GORE-CHERNOMYRDIN DEAL

Mr. BROWNBACK. Mr. President, I wish to take some time this evening to discuss an issue on which I held a hearing, along with Senator GORDON SMITH, yesterday. It concerns something that is very troubling: The arming of Iran, which occurred recently, and concerns an agreement that was made by Vice President AL GORE with then-Prime Minister of Russia Viktor Chernomyrdin on allowing Russia to convey armaments to Iran and avoid U.S. sanctions law.

I do not want to discuss so much that part of the issue, although it is an important part of it, but I want to get to the issue of an agreement made between the Vice President and then-Prime Minister of Russia Viktor Chernomyrdin to allow the conveyance of this equipment, military hardware—we are talking submarines, tanks, attack helicopters, a lot of equipment.

It was stated by the Vice President in this agreement—and we found this out when it was leaked to the press 14 days ago, in the New York Times—that we will not sanction Russia for allowing this to take place.

I asked the administration in the hearing I held yesterday and I asked by letter today signed by a number of my colleagues: Let us see the agreement the Vice President entered into with Viktor Chernomyrdin. To date, the administration has refused to convey that document to us. We held a closed session yesterday. We said: Convey it to us in closed session. They refused.

This afternoon, a group of Senators and myself sent a letter to the Secretary of State, Madeleine Albright, restating our position that the administration should share with the Congress the documents relating to the Gore-Chernomyrdin agreement which allowed Russia to sell conventional weaponry to Iran and not be sanctioned under U.S. law.

If we have not received the documents by noon on Monday, the Foreign Relations Committee will be forced to issue—and pursue issuing—a subpoena to receive those documents from the administration.

This letter was signed by Senator GORDON SMITH; myself, who chaired the hearing yesterday; along with Chairman MCCAIN of the Commerce Committee; Senator LUGAR; Chairman SHELBY of the Intelligence Committee; Chairman WARNER of the Armed Services Committee; Chairman THOMPSON of the Governmental Affairs Committee; and Senators NICKLES and LOTT of leadership.

In it we express our disappointment with the administration's continued stonewalling and refusal to provide documents related to the Gore-Chernomyrdin agreement. They refused to even allow us to see documents which have been published in the press, which is how we learned about them. These were published in the New York Times. That is how we learned about this taking place.

Essentially, now, the administration is asking us to trust them. But the fact that almost everything we have learned about this secret deal has come from the New York Times and the Washington Times—and not the administration—makes such trust difficult.

Congress has the right and the responsibility to review all the relevant documents and to judge for itself whether the transfers the Vice President signed off on were covered by U.S. nonproliferation laws.

Unfortunately, until the New York Times broke the story 14 days ago, Congress had not seen this written, signed agreement between the Vice President and the Russian Prime Minister. In open session hearing yesterday, I asked them to deny this, that this had been conveyed to the Congress. What we heard was that the administration had ''telegraphed'' the contents of the agreement, that they had ''briefed'' but they were unable to say that they had transmitted this document to the Congress, as they were required to do.

In essence, they said to us: Look, we were telling you that the Vice President was meeting with Mr.

Chernomyrdin. We told you that they were discussing a number of issues. That should be good enough.

Well, it isn't. Now we are saying to the administration: Show us the documents that have now been—some of them have been leaked to the press. Tell us what the agreement was. Because we want to determine whether or not laws were violated.

To date, they have continued to stonewall and to refuse to provide the documents to us. We provided, as I stated, a closed session for them to provide it to us in case there were national security concerns. They refused to do so.

The decision to allow Russia to escape the consequences of providing Iran with conventional weapons is one which affects not only the security of the American military personnel in the gulf but also the security of our allies in the region. This is not the type of agreement which should have been kept from the American people, and it certainly is not something that Members of Congress should have learned about first in the press.

The Vice President is saying this deal with Russia slowed down and prevented more weapons transfers from Russia to Iran. The fact is that the Russians did not keep their side of the bargain.

I have held a number of hearings on Russian arms transfers to Iran over the last 4 years. As a matter of fact, I held six hearings on the topic of Iran's weaponry buildup. At each of these hearings we have seen and have had experts cite the level and the amount of weaponry that has been transferred from Russia to Iran. At almost all these hearings—as a matter of fact, I think all of them—we had an administration witness there. We said to them: Stop this flow of weaponry from Russia to Iran. We are going to face this weaponry or our allies in the region are going to face this weaponry.

At each of these hearings the administration would say: Yes, it is terrible that Russia is conveying this weaponry to Iran. We are trying to stop it. Then I would ask: Are you sanctioning Russia for doing this? They would say: Well, no, we are not doing this. We are not sure it rises to that level. We are not sure we should do this. And all along, there was this secret agreement in the background that they had agreed to—the Vice President had—that they would not sanction Russia. And they did not disclose that at any of these hearings nor even allude to the fact that that existed. Until we found out about it 14 days ago in the New York Times, I did not know this existed.

This should have been conveyed to the Congress. We should have been brought in so we could appraise whether or not these sanctions should have happened with this level of weaponry that has been flowing from Russia to Iran.

I have a compilation now, from open sources, of some of the weapons that have been transferred. These are all weapons which pose a direct threat to our forces in the gulf as well as to our allies. This is a list gleaned from various press sources and other open sources. And we do not have the list of the weapons the administration agreed to let Russia supply to Iran.

Yes, the press is reporting there was an annex to the Gore-Chernomyrdin agreement that listed the level of weaponry, the amount of weapons that could be conveyed from Russia to Iran, and that this would not be sanctioned. We need to see that annex. We need to see what was agreed to be allowed to be conveyed. We know some of what has been conveyed because of open sources in the press. We do not know what was in the agreement between Vice President Gore and Mr. Chernomyrdin. So the Congress is continuing to be left in the dark about what laws, if any, have been broken.

The administration claims that the weaponry is not destabilizing and therefore not subject to sanctions anyway. When you look at the list, the public list, I submit that any and all of these weapons pose a direct threat to our soldiers and sailors in this region. They include submarines. They include attack helicopters. They include attack aircraft, mines, and torpedoes. I think that would be and is destabilizing in the region. It is destabilizing. It is clear that this so-called deal did not stop these transfers from occurring.

The main problem here, that I am complaining about this evening, is not the weaponry, although I think that is a terrible problem and one we are going to have to face. It is going to be very problematic for us and our allies to face in the future. The main problem is we are not being given the opportunity to look at these documents—the agreement—ourselves, to determine the legality of this deal and whether or not it falls into the categories of an agreement that should have been transmitted to Congress by law, and then whether, in fact, this deal allowed Russia to circumvent the law.

By stonewalling on providing us with the material to allow us to see their side of this issue, the administration is raising even more questions than were raised by the initial New York Times article. Why are they refusing to provide these documents? Is there something they are hiding? Provide it to us in closed session. Yet they have continued to refuse to do that.

The administration has an obligation to submit these agreements to the Congress. They never revealed there was a written and signed agreement which binds both sides and binds the United States into skirting U.S. laws.

Now, a couple of laws I think are in play here, whether or not they have been violated. We have not heard from the administration about these. They say they have not, overall, been violated. But the Gore-McCain Act is one, I believe—as we look at it and study it, if we are able to get the information—that was probably violated. Allowing Iran to have this sort of weaponry is one that would violate this law.

Mr. President, I want to go through a series of charts here to maybe put down clearly what has taken place to date.

Fourteen days ago, there was an article that appeared in the New York Times. I am summarizing here about what took place. Fourteen days ago, an article appeared in the New York Times stating that a secret agreement had been reached between Vice President GORE and then-Russian Prime Minister Viktor Chernomyrdin allowing Russia to avoid sanctions required under U.S. weapons proliferation laws for selling arms to Iran. This is what was in the newspaper, signed by AL GORE and Viktor Chernomyrdin. There is attached to this—we have not seen it, but it has been reported—an annex listing weaponry that can be conveyed.

They are saying here: In light of the undertakings contained in this joint statement—in the aide-memoire—the United States is prepared to take appropriate steps to avoid any penalties to Russia that might otherwise arise under domestic law with respect to the completion of the transfers disclosed in the annex for so long as the Russian Federation acts in accordance with these commitments.

So here is the Vice President of the United States signing an agreement with Mr. Chernomyrdin saying we are going to not enforce U.S. domestic law on these transfers.

Now my question to you, to all of the people, and to the administration, is: Does the Vice President have this authority to waive these sanctions? No, he does not have the authority to waive these sanctions. Under the law, they have to issue the sanctions.

Now they can choose later to find a way out, to waive them afterwards, but they cannot just waive these sanctions. The Vice President does not have the authority to do this. He enters into an agreement saying: We will take appropriate steps to avoid any penalties to Russia that might otherwise arise under domestic law with respect to the completion of the transfers disclosed in the annex for so long as the Russian Federation acts in accordance with these commitments.

I want to go to Secretary Albright's letter to Ivan Ivanov, the Foreign Minister of Russia, about this aide memoire where she says:

> Without the aide memoire which we just looked at—

This is the Gore-Chernomyrdin agreement—

> Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws.

This is her letter to the Russian Foreign Minister, January 13 of this year. The Secretary of State is saying, if we hadn't agreed in this signed secret agreement that we would not sanction you, you would have been subject to

sanctions. The Secretary of State is saying it. You would ''have been subject to sanctions based on various provisions of our laws.''

This is the other part that was in the secret agreement with Chernomyrdin, that ''we are prepared to take steps'' that I previously read. The administration itself is saying, look, we agreed with you not to sanction you, but if we hadn't agreed to it, you would have been subject to U.S. sanctions law. Does the Vice President have the authority to waive U.S. sanctions? He doesn't have that authority to do this. Yet that is what he did.

I want to show you some of what we are talking about, the weaponry that has been conveyed. This is one piece of equipment, Russian attack submarines for Iran, three Kilo-class attack submarines have been conveyed under this agreement. We have, as I mentioned, attack helicopters, airplanes. The administration was saying, look, we are not going to sanction you because we have secretly agreed not to sanction you.

I don't want to go on a long time about this. I just want to continue to raise this issue because I am deeply troubled about a couple of things.

No. 1, for 4 years I have been holding hearings about conveyance of weaponry from Russia to Iran and pressing the administration, what are you doing to stop this conveyance of weaponry from Russia to Iran, because our allies will face this equipment in the future. They wring their hands and say, it is terrible what is going on. And then nothing would happen.

Now, 14 days ago, I found out the reason nothing is going to happen—a secret agreement was agreed to that they weren't going to sanction Russia. They were going to let it go ahead and continue to happen. Now we face heightened danger in the Persian Gulf. This equipment is there, and some of it is still being conveyed.

No. 2, we have asked the administration, show us the agreement. You should have shown it to us when it took place so we could understand what this is. I believe there was a violation of the law then. We need to see these documents now. They say nothing illegal has taken place. OK, then, fine. Show us the documents.

A letter was sent today. We want to see the documents of this agreement. We don't want to continue to read about it in the newspaper. We want to see the documents. Convey them to us; send it in a closed session. If there is national security interests, we want to see these documents. That is what we are saying now.

What I am also saying is, what I have stated this evening, if we don't have these by noon on Monday, we will seek a subpoena to receive these documents and get them from the administration.

I think this is highly suspect, what has taken place by the administration. We are only now finding out about it. We need to see what it was that the administration agreed to, what it is that is still taking place between Russia and Iran, and why the United States is not stepping in to stop this.

I believe you will be hearing more about this unless the administration comes forward and comes clean. I hope they do. I hope they tell us: Here it is, and here is all of what we agreed to. Here is why we agreed to all of this. Here is why we think this is working, rather than it isn't.

But right now, all we have are secret deals that somehow are getting leaked out to the newspapers, and we don't even know what the agreement is. We don't know what it is. We deserve to know what that agreement is.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRIPPING JIM LYONS' AUTHORITY AT USDA

Mr. DASCHLE. Mr. President, the Founding Fathers intended that the legislative process work through strongly held policy differences to establish the law of the land. They saw open dialogue as central to our democracy, and their vision has served the American people well for over 200 years. It is regrettable, therefore, when policy disagreements degenerate into acts of retribution against individual public servants whose only transgression is to execute the directives of the President they serve.

That is exactly what happened recently when a provision was inserted into the fiscal year 2001 Agriculture Appropriations Bill stripping the USDA Under Secretary for Natural Resources and Environment, Jim Lyons, of his authority to administer the Forest Service and the Natural Resources Conservation Service until his term in office expires in January 2000. This provision is not only unfair to Mr. Lyons, it undermines the separation of powers doctrine because it is designed solely to intimidate administration officials who are faithful to the policies of the President.

What has Mr. Lyons done, you might ask, to warrant such rebuke? The simple answer is: he has done a difficult job conscientiously.

Mr. President, Mr. Lyons was confirmed as the Under Secretary for Natural Resources and Environment by the Senate in May of 1993. As Undersecretary, he administers two important agencies—the Forest Service and the Natural Resources Conservation Service—that include nearly half the employees in the Department.

I have worked closely with Mr. Lyons over the past 8 years and respect greatly his work ethic, his understanding of the issues within his agencies' jurisdiction and his commitment to the public policy making process. We have had policy disagreements, but I have never had reason to question Mr. Lyons' dedication to his job or fitness to serve as Undersecretary.

Mr. Lyons has provided steady and clear leadership during his tenure at USDA, tackling many complex and controversial issues that have plagued the conservation and forestry communities for years. While many of these policy challenges defy easy solution, Jim Lyons never shirked his responsibility to address them. Further, it has been his hallmark to solicit and discuss the views of all parties in a search of common ground in the pursuit of Administration objectives. That approach was particularly evident in the policy dispute that culminated in the Agriculture Appropriations rider relieving Mr. Lyons of line authority for the Forest Service and the Natural Resources Conservation Service.

The Office of the Under Secretary for Natural Resources and Environment, NRE, has responsibility within USDA for working with the Environmental Protection Agency, EPA, on issues affecting clean water and air, agriculture, forestry and other environmental concerns. It was in this role that Mr. Lyons entered into negotiations with the EPA to reduce the impact of EPA's proposed Total Maximum Daily Load, TMDL, rule on agriculture and forestry, while helping to ensure our continued progress in improving the quality of the waters of the United States.

After months of negotiation with the EPA, Mr. Lyons helped construct a rule that would provide for measured progress in reducing non-point source pollution through the use of voluntary, incentive-based programs administered largely through the Natural Resources Conservation Service. Many of the provisions objectionable to commodity groups and the Farm Bureau were dropped from the final rule or significantly modified. The provisions affecting silvicultural activities and forestry were dropped altogether.

In August, the President announced the final TMDL rules, and, in response to concerns expressed by Members of Congress, delayed their implementation for one year. Nonetheless, some who were upset that EPA had elected even to proceed with the rules decided to take their frustration out on Mr. Lyons, charging that he had not done enough to fight this rulemaking. As a consequence, language was added to the House version of the fiscal year 2001 Agriculture Appropriations bill defunding Mr. Lyons' office.

At the urging of Senator COCHRAN and his colleagues on the Senate Appropriations Committee, the House agreed to restore funding for the Undersecretary's office, but eliminate Mr. Lyons' authority to manage, supervise or direct his agencies—the job he had sworn to do and for which this

body had confirmed him nearly 8 years ago. While policy differences certainly are an important and accepted part of the legislative process, acts of retribution against individual public servants—which this rider is—should not be tolerated.

Mr. Lyons does not deserve this treatment. During his USDA career, he has faithfully pursued the President's policies, spearheading major reforms in the management of both the Forest Service and the Natural Resources Conservation Service, NRCS, and helping to develop the Forest Service's new natural resources agenda, which is focused on watershed protection, recreation, road management reform and sustainable forestry.

Under Mr. Lyons' leadership, the Natural Resources Conservation Service has assumed a leadership role for the Administration in promoting conservation of the nation's private lands and has taken on an expanded role in protecting clean water and fish and wildlife habitats. Mr. Lyons has advocated establishing riparian buffers to capture nutrient and pesticide runoff, promoted efforts to protect farm and forest lands threatened with development, and encouraged strategies to protect drinking water supplies at their source.

Mr. Lyons was also the principle architect of the President's Northwest Forest Plan conserving old-growth forests and promoting sustainable forestry. He has initiated efforts to assess forest ecosystem health in the Columbia River Basin, the Sierra Nevada and the southern Appalachians. He directed key acquisitions and additions to the National Forest System, and has overseen purchase of lands including New Mexico's Baca Ranch and the New World Mine near Yellowstone National Park. He was instrumental in the establishment of the Giant Sequoia National Monument.

Mr. Lyons continues to lead USDA efforts on the presidential initiative to protect remaining national forest roadless areas. He helped craft the President's report on this year's devastating wildfires and then worked to shape the emergency funding package that will be used to restore fire-damaged forest lands and reduce the risks to communities from future wildfires. Mr. Lyons has promoted outdoor recreation on the national forests and created new programs and partnerships to improve urban forestry and conservation activities.

In the Black Hills of South Dakota, Mr. Lyons worked with me to resolve differences between the timber industry and environmentalists that allowed timber harvesting to proceed in a responsible and environmentally sensitive manner. This experience demonstrated Mr. Lyons' ability to work with diverse interests in the pursuit of sound, common sense policies that reconcile multiple use objectives.

President Clinton's approach to the stewardship of our national resources is clear, and Mr. Lyons has been faithful to that vision. His public record over the past eight years identify him as a leading conservationist and an effective agent of change, not only within the Department of Agriculture, but also within the Administration.

Mr. President, I regret that, as the end of the Clinton Administration approaches, one of its longest serving subcabinet officials has been targeted for retribution as a result of a disagreement over policy. Personal attack should never become an accepted method for settling policy differences. I hope that the politics of personal intimidation can be removed from our policy debates.

Finally, I ask unanimous consent to print a recent New York Times editorial on this subject in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PETTINESS ON CAPITOL HILL

Marion Berry, a Democratic Representative from Arkansas, has raised Congressional arrogance to a new level.

Gripped by ideological fury in June, Mr. Berry added a provision to the agricultural spending bill stripping funds from the office of James Lyons, an under secretary of agriculture who oversees the Forest Service and the Natural Resources Conservation Service. Mr. Lyons' Republican critics later modified the amendment so that it left the funding intact but stripped him of his authority to run the agencies. Either way, it was clear that Mr. Lyons had been singled out for special abuse, and that Mr. Berry had started the crusade.

What had Mr. Lyons done to deserve this? According to Mr. Berry himself, the under secretary's main sin was to side with the Environmental Protection Agency when it decided to enforce a long-dormant provision of the Clean Water Act to get a better grip on polluted runoff from so-called ''non-point'' sources like farms, city streets and golf courses. Mr. Lyons helped the E.P.A. establish a timetable that would enable farmers to comply with the law on a reasonable schedule. But he never challenged the agency's authority to enforce the law, as some agricultural lobbyists had hoped he would, nor was he, in Mr. Berry's view, sufficiently pro-farmer in his negotiations.

A conservationist, Mr. Lyons has angered members of Congress before, not least for his support of President Clinton's plan to put millions of acres of the national forests off-limits to new roads, as well as his efforts to enlarge protections for Alaska's Tongass National Forest. But nobody had gone so far as to undermine his job. The White House, already worn out from its efforts to block anti-environmental riders in other bills, is unlikely to fight this one, in part because it will have no serious effect on the two agencies or even on Mr. Lyons himself. The provision expires Jan. 20, when Mr. Lyons will leave Washington to teach at Yale. But it is still a petty gesture that brings no honor on Mr. Berry or the other congressmen who have willingly gone along with his vendetta.

SECTION-BY-SECTION ANALYSIS OF THE PAIN RELIEF PROMOTION ACT

Mr. NICKLES. Mr. President, on October 25, 2000, Representative HENRY HYDE introduced H.R. 5544, the Pain Relief Promotion Act of 2000. The text of the legislation is based on the Senate Judiciary committee substitute to H.R. 2260, the Pain Relief Promotion Act, ordered reported out of the Senate Judiciary Committee on April 27, 2000.

For the information of all Members of Congress, I offer the following section-by-section analysis of the legislation.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—PAIN RELIEF PROMOTION ACT OF 2000, H.R. 5544

Section 1. Short title

Entitles the act the ''Pain Relief Promotion Act of 2000.''

Section 2. Findings

Makes a series of findings about the importance of emphasizing pain management and palliative care in the first decade of the new millennium, the regulation of drugs with a potential for abuse under the Controlled Substances Act, the use of such drugs by practitioners for legitimate medical purposes, especially the purpose of relieving pain and discomfort even if it increases the risk of death, the need for improved treatment of pain, and the fact that dispensing and distributing such drugs affects interstate commerce.

TITLE I

Section 101. Activities of Agency for Healthcare Research and Quality

This section amends the Public Health Services Act by authorizing a program responsibility for the Agency for Healthcare Research and Quality in the Department of Health and Human Services to promote and advance scientific understanding of palliative care. The Agency is directed to collect and disseminate protocols and evidence-based practices for pain management and palliative care with priority for terminally ill patients.

The section is specifically made subject to subsections (e) and (f) of section 902 of the Public Health Service Act [42 U.S.C. 299a(e) and (f)], added by the Healthcare Research and Quality Act of 1999, Public Law 106–129, which prevent the mandating of national standards of clinical practice. This section has a definition of pain management and palliative care which is a modified version of the World Health Organization's definition of palliative care.

Section 102. Activities of Health Resources and Services Administration

This section amends the Public Health Services Act by authorizing a program for education and training in pain management and palliative care in the Health Resources and Services Administration of the Department of Health and Human Services. This section allows the Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality to award grants, cooperative agreements and contracts to health professions schools, hospices, and other public and private entities to develop and implement pain management and palliative care education and training programs for health care professions.

This section requires the applicant for the award to include three educational informational components in the program: (1) the program must have a component that addresses a means for diagnosing and alleviating pain and other distressing signs and

symptoms of patients, especially in terminally ill patients, including the use of controlled substances; (2) the program must provide information and education on the applicable laws on controlled substances, including those permitting dispensing or administering them to relieve pain even in cases wheresuch efforts may unintentionally increase the risk of death, and (3) the information and education must provide recent findings and developments in the improvement of pain management and palliative care. Health professions schools, residency training programs, continuing education, graduate programs in the health professions, hospices, and other sites as determined by the Secretary will be used as program sites.

This section also requires the Secretary to evaluate the programs directly or through grants or contracts and mandates that the Secretary include individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served in each peer review group involved in the selection of the grantees.

Five million dollars annually are authorized to carry out these programs.

Section 103. Decade of pain control and research

This section designates the decade beginning January 1, 2001, as the ''Decade of Pain Control and Research.''

Section 104. Effective date

This section makes title I effective on the date of enactment.

Section 201. Reinforcing existing standard for the legitimate use of controlled substances

This section amends the Controlled Substances Act to establish that physicians and other licensed health care professionals holding DEA registrations are authorized to dispense, distribute, or administer controlled substances for the legitimate medical purpose of alleviating a patient's pain or discomfort in the usual course of professional practice even if the use of these drugs may increase the risk of death.

Essentially, this provision makes clear that there exists a ''safe harbor'' for those who dispense controlled substances for pain relief and palliative care, even if such treatment increases a patient's risk of death. The Department of Justice (DOJ) has taken the position that the Pain Relief Act ''would eliminate any ambiguity about the legality of using controlled substances to alleviate the pain and suffering of the terminally ill by reducing any perceived threat of administrative and criminal sanctions in this context.''

Without creating any new Federal standard, this section also ensures that the new safe harbor is not construed to change the proper interpretation of current law that the administration, dispensing, or distribution of a controlled substance for the purpose of assisting a suicide is not authorized by the Controlled Substances Act. Individuals covered by the CSA would not be subject to any new liability under the statute—with the exception of those who would attempt in the future to rely on the Oregon Act as a defense to alleged violations of the CSA.

This section further provides that the Attorney General in implementing the Controlled Substances Act shall not give force or effect to any State law permitting assisted suicide or euthanasia. This effectively overturns the June 5, 1998 ruling of the Attorney General insofar as that ruling concluded ''the CSA does not authorize DEA to prosecute, or to revoke the DEA registration of, a physician who has assisted in a suicide in compliance with Oregon law [or the law of any other state that might authorize assisting suicide of euthanasia.''

This section provides that the provisions of the bill are effective only upon enactment with no retroactive effect. This means that the Oregon statute will serve as a defense for any actions taken in complaince under the Oregon law prior to the enactment of H.R. 5544.

This section further provides that nothing in it shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine, affirming that regardless of whether a practitioner's DEA registration is deemed inconsistent with the public interest, the status of the practitioner's State professional license and State prescribing privileges remain solely within the discretion of State authorities.

This section also provides that nothing in the act is to be construed to modify Federal requirements that a controlled substance may be dispensed only for a legitimate medical purpose nor to authorize the Attorney General to issue national standards for pain management and palliative care clinical practice, research, or quality, except that the Attorney General may take such other actions as may be necessary to enforce the act.

This section provides that in any proceeding to revoke or suspend a DEA registration based on alleged intent to cause or assist in causing death in which the practitioner claims to have been dispensing, distributing, or administering controlled substances to alleviate pain or discomfort in the usual course of professional practice, the burden rests with the Attorney General to prove by clear and convincing evidence that the practitioner's intent was to cause or assist in causing the death.

Section 202. Education and training programs

This section directs educational and research training programs for law enforcement to include means by which they may better accommodate the necessary and legitimate use of controlled substances in pain management and palliative care.

Section 203. Funding authority

This section designates the source of funds for carrying out duties created under some provisions of the Controlled Substances Act, as amended by H.R. 5544.

Section 204. Effective date

This section establishes that the effective date of the act is that of its enactment.

THE COUNTERTERRORISM ACT OF 2000

Mr. LEAHY. Mr. President, Senator KYL spoke on the floor yesterday about the Counterterrorism Act of 2000, S. 3205, which he introduced two weeks ago on October 12, 2000. I had planned to speak to him directly about this legislation when I got into the office yesterday, but before I had the opportunity to speak to him, even by telephone, my colleague instead chose to discuss this matter on the Senate floor.

I have worked with Senator KYL to pass a number of matters of importance to him in past Congresses and in this one. Most recently, for example, the Senate passed on November 19, 1999, S. 692, the Internet Gambling Prohibition Act, and on September 28, 2000, S. 704, the Federal Prisoner Health Care Copayment Act. Moreover, in the past few months, we have worked together to get four more judges in Arizona. I was happy to help Senator KYL clear each of those matters.

Unlike the secret holds that often stop good bills from passing often for no good reason, I have had no secret hold on S. 3205. On the contrary, when asked, I have made no secret about the concerns I had with this legislation.

An earlier version of this legislation, which Senator KYL tried to move as part of the Intelligence Authorization bill, S. 2507, prompted a firestorm of controversy from civil liberties and human rights organizations, as well as the Department of Justice. I will include letters from the Department of Justice, the Center for Democracy and Technology, the Center for National Security Studies and the American Civil Liberties Union for the RECORD at the end of my statement. I shared many of the concerns of those organizations and the Justice Department.

I learned late last week that Senator KYL was seeking to clear S. 3207 for passage by the Senate, even though it had been introduced only the week before. I do not believe the Senate should move precipitously to pass a bill that has garnered so much serious opposition before having the opportunity to review it in detail and ensure that earlier pitfalls had been addressed. Let me say that having reviewed the bill introduced by Senator KYL, it is apparent that he has made efforts to address some of those serious and legitimate concerns.

Senator KYL has suggested that if the Justice Department was satisfied with his legislation, I or my staff had earlier indicated that I would be satisfied. I respect the expertise of the Department of Justice and the many fine lawyers and public servants who work there and, where appropriate, seek out their views, as do many Members. That does not mean that I always share the views of the Department of Justice or follow the Department's preferred course and recommendations without exercising my own independent judgment. I would never represent that if the Justice Department were satisfied with his bill, I would automatically defer to their view. Furthermore, my staff has advised me that no such representation was ever made.

That being said, I should note that the Department of Justice has advised me about inaccurate and incorrect statements in Senator KYL's bill, S. 3205, which are among the items that should be fixed before the Senate takes up and passes this measure.

I have shared those items and other suggestions to improve this legislation with the cosponsor of the bill, Senator FEINSTEIN, whose staff requested our comments earlier this week. My staff provided comments to Senator FEINSTEIN, and understood that at least in the view of that cosponsor of this bill, some of those comments were well-taken and would be discussed with Senator KYL and his staff. Indeed, my staff received their first telephone call about S. 3205 from Senator KYL's staff just yesterday morning, returned the call without finding Senator KYL's

staff available, and hoped to have constructive conversations to resolve our remaining differences. Yet, before these conversations could even begin, Senator KYL chose to conduct our discussions on the floor of the Senate. There may be more productive matters on which the Senate should focus its attention, but I respect my colleague's choice of forum and will lay out here the continuing concerns I have with his legislation.

First, the bill contains a sense of the Congress concerning the tragic attack on the U.S.S. *Cole* that refers to outdated numbers of sailors killed and injured. I believe that each of the 17 sailors killed and 39 sailors injured deserve recognition and that the full scope of the attack should be properly reflected in this Senate bill. I have urged the sponsors of the bill to correct this part of the bill. I note that last week the Senate passed at least two resolutions on this matter, expressing the outrage we all feel about the bombing attack on that Navy ship.

Second, this sense of the Congress urges the United States Government to ''take immediate actions to investigate rapidly the unprovoked attack on the'' U.S.S. *Cole*, without acknowledging the fact that such immediate action has been taken. The Navy began immediate investigative steps shortly after the attack occurred, and the FBI established a presence on the ground and began investigating within 24 hours. The Director himself went to Yemen to guide this investigation. That investigation is active and ongoing, and no Senate bill should reflect differently, as this one does. We should be commending the Administration for the swift and immediate actions taken to this attack and the strong statements made by the President making clear that no stone will be left unturned to find the criminals who planned this bloody attack.

Third, as I previously indicated, the Department of Justice has suggested several corrections to the ''Findings'' section of this bill. For example, the bill suggests there are ''38 organizations'' designated as Foreign Terrorist Organizations (FTOs) when there are currently 29. The bill also states that ''current practice is to update the list of FTOs every two years'' when in fact the statute requires redesignation of FTOs every two years. The bill also states that current controls on the transfer and possession of biological pathogens were ''designed to prevent accidents, not theft,'' which according to the Justice Department is simply not accurate.

Fourth, the bill requires reports on issues within the jurisdiction of the Senate Judiciary Committee without any direction that those reports be submitted to that Committee. For example, section 9 of the bill would require the FBI to submit to the Select Committees on Intelligence of the Senate and the House a feasibility report on establishing a new capability within the FBI for the dissemination of law enforcement information to the Intelligence community. I have suggested that this report also be required to be submitted to the Judiciary Committees. As the Chairman of the Senate Judiciary Subcommittee on Technology, Terrorism and Government Information, I would have expected that Senator KYL would support this suggested change.

Fifth, the bill would require reports, with recommendations for appropriate legislative or regulation changes, by the Attorney General and the Secretary of Health and Human Services on safeguarding biological pathogens at research labs and other facilities in the United States. No definition of ''biological pathogen'' is included in the bill and the scope could therefore cover a vast array of biological materials. I have suggested that the focus of these requested reports could be better directed by more carefully defining this term.

Finally, the bill would require reimbursement for professional liability insurance for law enforcement officers performing official counterterrorism duties and for intelligence officials performing such duties outside the United States. I have asked for an explanation for this provision. I have scoured the record in vain for explanatory statements by the sponsors of this bill for this provision. It is unclear to me why law enforcement officers conducting investigations here in the United States need such insurance, let alone intelligence officers acting overseas. There may be a good reason why these officers need this special protection, beyond the limited immunity they already have and beyond what other law enforcement and intelligence officers are granted. I need to know the reason for this special protection before any of us are able to evaluate the merits of this proposal.

I stand ready, as I always have, to work with the sponsors of S. 3205 to improve their bill.

I ask unanimous consent to print in the RECORD the two letters to which I referred.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 25, 2000.

Hon. RICHARD C. SHELBY,
Chairman, Senate Select Committee on Intelligence, Hart Senate Office Bldg., Washington, DC,
Hon. RICHARD H. BRYAN,
Vice Chairman, Senate Select Committee on Intelligence, Hart Senate Office Bldg, Washington, DC.

DEAR MR. CHAIRMAN AND MR. VICE CHAIRMAN: We are writing to express our opposition to the ''Counterterrorism Act of 2000,'' which we understand Senators Kyl and Feinstein are seeking to add to the intelligence authorization bill. At least three provisions of the Act pose grave threats to constitutional rights, and others raise serious questions as well.

SECTION 10

Section 10 of the Counterterrorism Act would amend the federal wiretap statute (''Title III'') to allow law enforcement agencies conducting wiretaps within the United States to share information obtained from such surveillance with the intelligence agencies. The provision breaches the well-established and constitutionally vital line between law enforcement and intelligence activities. The provision has no meaningful limitations. It allows the CIA and other intelligence agencies to acquire, index, use and disseminate information collected within the US about American citizens. It is not subject to any meaningful judicial controls.

Efforts have been underway for a number of years to improve the sharing of information between law enforcement and intelligence agencies, particularly in areas concerning terrorism and trans-national criminal activity. Significant improvements have been achieved. However, it has been recognized consistently in all these efforts that the fundamental distinction between intelligence and law enforcement serves important values and must be maintained.

Paramount among the reasons why we distinguish between law enforcement and intelligence agencies, and confine them to their separate spheres, is to protect civil and constitutional rights. The intelligence agencies operate in secret without many of the checks and balances, the judicial review and the public accountability that our Constitution demands for most exercises of government power. The secretive data gathering, storage and retention practices of the intelligence agencies are appropriate only when conducted overseas for national defense and foreign policy purposes and only when directed against people who are not US citizens or permanent residents.

Therefore, we have always maintained strict rules against intelligence agency activities in the US or directed against US citizens and residents. From the outset, the National Security Act of 1947 has specifically provided that the Central Intelligence Agency shall ''have no police, subpoena or law enforcement powers or internal security functions.'' This was intended to prevent the CIA from collecting information on Americans. Likewise, the National Security Agency has very strict rules about the collection or dissemination of information concerning Americans.

This prohibition against intelligence agencies collecting and disseminating information about people in the US would be rendered meaningless if the FBI could give personally identifiable information about US citizens to the CIA or NSA, which then could retain the information in files retrievable by name. Yet that is what the proposed amendment does. The proposed amendment contains no meaningful limitations. It does not say that the information to be shared can relate only to non-US persons. It does not say that the information could be kept by the receiving intelligence agencies only in non-personally retrievable form (a restriction that increasingly loses meaning anyhow as agencies develop the capability to search the full next of their files).

Moreover, this breach would involve one of the most intrusive of law enforcement techniques—electronic interception of telephone conversations, e-mail and other electronic communications. In recognition of the especially intrusive nature of wiretapping, section 2.4 of E.O. 12333 expressly states that the CIA is not authorized to conduct electronic surveillance within the United States. All Title III interceptions take place in the US. The overwhelming majority of targets of law enforcement wiretapping are US persons. In this information age, when so much sensitive personal information is exchanged electronically, the American public is increasingly concerned about the breadth and intrusiveness of government wiretapping.

The problems posed by the proposed Section 10 are compounded by the secrecy with which the intelligence agencies operate. There is little likelihood that a person who was the subject of a file at the CIA would ever learn about it, and even less likelihood that they would ever learn that information in the file was obtained by a law enforcement wiretap. So there would be little opportunity for uncovering abuses and little recourse to the judiciary for misuse of the information.

The provision stands in fundamental contradiction to the specificity and minimization requirements of Title III, which are central to the privacy protection scheme of that law. The minimization rule requires every wiretap to be ''conducted in such a way as to minimize the interception of communications not otherwise subject to interception'' under Title III. 18 U.S.C. 2518(5). Every order under Title III must include ''a particular description of the type of communication sought to be intercepted and a statement of the particular offense to which it relates,'' 18 U.S.C. 2518(4)(c). Together, these provisions make it illegal to intercept under Title III communications that do not relate to a criminal offense. Yet the proposed amendment would seem to mean either that officials conducting Title III wiretaps would be intercepting communications involving foreign intelligence that is not relevant to crimes in the U.S. or the CIA would be compiling information about crimes, including crimes inside the U.S., in violation of the National Security Act.

SECTION 9

Section 9 of the Counterterrorism Act of 2000 also threatens to erase the dividing line between law enforcement and intelligence agencies that protects individuals in the U.S. against secret domestic intelligence activity. Section 9 would require the Director of the FBI to submit to Congress a report on the feasibility of establishing within the Bureau a comprehensive intelligence reporting function having the responsibility for disseminating to the intelligence agencies information collected and assembled by the FBI on international terrorism and other national security matters.

But Section 9 calls for far more than an objective study. It requires the FBI to submit a proposal for such an information sharing function, including a budget, an implementation proposal and a discussion of the legal restrictions associated with disseminating law enforcement information to the intelligence agencies. This is putting the cart before the horse. With the emphasis in recent years on cooperation between the FBI and the CIA, the factual predicate has not been established for even concluding that the FBI is not already properly sharing intelligence information. Further, only recently the FBI adopted a strategy that stresses intelligence collection and analysis—it would be prudent first to examine the effectiveness and civil liberties implications of that strategy before directing the FBI to design a new intelligence sharing mechanism. Then it would be prudent to draw distinctions among the various types of information that the FBI is collecting, to ensure that information sharing does not infringe on the rights of Americans and does not involve the intelligence agencies in domestic law enforcement matters. All of these nuances are missing from Section 9. All of them could be accomplished by the relevant Congressional committees in a neutral and objective fashion without the need for this amendment.

The provision does not draw a distinction between information collected by the FBI under its counterintelligence authority and information collected by the Bureau in criminal matters. While there are overlaps between foreign intelligence and criminal investigations, especially in international terrorism matters, there are nonetheless important and long-standing rules intended to enforce the distinction. Since the period of COINTELPRO and the Church Committee, it has been recognized that the rights of American are better protected (and the FBI may be more effective) when international terrorism and national security investigations are conducted under the rules for criminal investigations. Section 9 is flawed for failing to recognize this distinction and seeming to encourage its obliteration.

SECTION 11

Section 11 of the bill is essentially a direction to the Executive Branch to be more aggressive in investigating ''terrorist fundraising'' of an undefined nature. Fundraising to support violent activities is properly a crime. But in the 1996 Antiterrorism and Effective Death Penalty Act, Congress also made it a crime to support the legal, peaceful political activities of groups that the Executive Branch designates as terrorist organizations. The 1996 Act was supposed to allow the government to respond to fundraising in the US on behalf of terrorist groups. At the time, opponents of the law argued that there was no evidence that extensive fundraising of this nature occurred and worried that the law would be used as an excuse to launch intimidating investigations into the political activities of Arab immigrants and other ethnic communities. We opposed the 1996 Act on the ground that it unconstitutionally criminalized support activities that were protected under the First Amendment. The proposed amendment to the intelligence authorization bill reaches even more broadly than the 1996 Act.

Section 11 of the bill essentially tells the Executive Branch to go out and punish fundraising conduct where little or none has been found. The recent case of Wen Ho Lee highlights the dangers of Congress telling the Executive Branch to be more aggressive in investigating and prosecuting a particular crime. The last time something like this happened was in the 1980s, when some in Congress urged the FBI to be more aggressive in investigating what they believed to be a Communist-supported conspiracy in the US to support terrorism in El Salvador. The resulting ''CISPES'' investigation intruded on the First Amendment rights of thousands of Americans peacefully opposed to US policy in Central America, turned up no evidence of wrongdoing, and proved a major embarrassment for the FBI. This danger is exacerbated by the proposed amendment, which encourages the Executive Branch to use Civil and administrative remedies, including the tax laws, that are not subject to the protections of criminal due process. It is further exacerbated since the amendment encourages the commingling of criminal information and intelligence information collected with the most intrusive of techniques and such secrecy that the targets of any adverse action may have a hard time defending themselves.

We also have concerns with other sections of the proposed amendment: (1) Section 6, concerning the guidelines on recruitment of CIA informants, implicitly questions the historical lessons and value judgments reflected in the guidelines and is clearly intended to be seen as a signal from Congress that the CIA should be freer in recruiting informants who are human rights abusers. This practice has embarrassed our country in the past and would embarrass us again if the practice were renewed, undercutting American foreign policy support for the rule of law and our efforts to discourage and resolve violence in emerging democracies and other transitional societies. (2) Section 12 would require IHIS to take ''actions'' to make standards for the physical protection and security of biological pathogens ''as rigorous as the current standards'' for critical nuclear materials.'' The questions posed by the threat of biological weapons require a far more carefully designed policy than a blanket direction to establish for ''biological pathogens'' the same protections that apply to critical nuclear materials. Take the case of West Nile virus, or the AIDS virus. Are these ''biological pathogens?'' Does section 12 mean that all medical research and all medical facilities handling research and treatment of the West Nile or AIDS viruses must institute the security clearance checks, polygraphs, and pre-publication review requirements (all of which raise serious constitutional due process, privacy and civil liberties concerns) that apply to workers at nuclear weapons facilities?

For these reasons, we urge you to oppose the addition of the Counterterrorism Act to the intelligence authorization bill.

Respectfully,

LAURA W. MURPHY,
Director,
American Civil Liberties Union, Washington National Office.

JAMES X. DEMPSEY,
Senior Staff Counsel,
Center for Democracy and Technology.

KATE MARTIN,
Executive Director,
Center for National Security Studies.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 28, 2000.

Hon. RICHARD SHELBY,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter expresses the views of the Justice Department on the proposed counterterrorism amendment (the ''Counterterrorism Act of 2000'') to S. 2507, the ''Intelligence Authorization Act for Fiscal Year 2001.'' The Department opposes the amendment.

Section 10 would amend 18 U.S.C. §2517 to permit the sharing of foreign intelligence or counterintelligence information, collected by investigative or law enforcement officers under title III, with the intelligence community. We oppose this provision, Although we recognize the arguments for allowing title III information to be shared as a permissive matter, this would be a major change to existing law and could have significant implications for prosecutions and the discovery process in litigation. Any consideration of the sharing of law enforcement information with the intelligence community must accommodate legal constraints such as Criminal Rule 6(e) and the need to protect equities relating to ongoing criminal investigations. While we understand the concerns of the Commission on Terrorism, we believe that law enforcement agencies have authority under current law to share title III information regarding terrorism with intelligence agencies when the information is of overriding importance to the national security.

Section 10 also raises significant issues regarding the sharing with intelligence agencies of information collected about United States persons. Such a change to title III should not be made lightly, without full discussion of the issues and implications.

Section 9 of the amendment presumptively would give the FBI 60 days to resolve these and other concerns in a report to Congress on the feasibility of establishing a dissemination center within the FBI for information collected and assembled by the FBI on international terrorism and other national security matters. In our view, the issues involved

in the dissemination of this information do not avail themselves of resolution in this very short time frame. In addition, we note that law enforcement officials conducting operations that result in the collection or assembly of this kind of information often will not be in a position to discern whether the information they have gathered actually qualifies as pertinent to foreign intelligence or counterintelligence. Accordingly, to the extent that disclosure becomes mandatory, we anticipate that a substantial and costly effort would be necessary to create the necessary screening process.

Section 11 of the amendment would require the creation of a joint task force to disrupt the fundraising activities of international terrorist organizations. We believe that this type of rigid, statutory mandate would interfere with the need for flexibility in tailoring enforcement strategies and mechanisms to fit the enforcement needs of the particular moment.

Section 12 of the amendment would require the Attorney General to submit a report on the means of improving controls of biological pathogens and the equipment necessary to produce biological weapons. Subsection 12(a)(2)(A) would require that the report include a list of equipment critical to the development, production, and delivery of biological weapons. We question the utility of such a list because it is our understanding that much of this equipment is dual-use and widely used for peaceful purposes. Section 12(b) directs the Secretary of Health and Human Services to undertake certain actions relating to protection and security of biological pathogens described in subsection (a). In keeping with the concerns regarding Executive branch authority, as discussed above, and the complexity and scope of this matter, the Administration believes that any authority should be vested in the President.

Moreover, section 12(a)(2)(B) would purport to require that the Attorney General submit a report to Congress on biological weapons that ''shall include'' the following:

(B) Recommendations for legislative language to make illegal the possession of the biological pathogens;

(C) Recommendations for legislative language to control the domestic sale and transfer of the equipment so identified under subparagraph A;

(D) Recommendations for legislative language to require the tagging or other means of marking of the equipment identified under subsection A.

We believe that these provisions are invalid under the Recommendations Clause, which provides that the President ''shall from time to time . . . recommend to [Congress] . . . such Measures as he shall judge necessary and expedient.'' U.S. Const. art. II, §3. Legislation requiring the President to provide the Congress with policy recommendations or draft legislation infringes on powers reserved to the President by the Recommendations Clause, including the power to decline to offer any recommendation if, in the President's judgment, no recommendation is necessary or expedient. Legislation that requires the President's subordinates to provide Congress with policy recommendations or draft legislation interferes with the President's efforts to formulate and present his own recommendations and proposals and to control the policy agenda of his Administration.

The constitutional concerns raised by the proposed amendment would be addressed by revising these provisions in either of the following ways: (1) provide that the reports the Attorney General submits may, instead of shall, include recommendations or (2) provide that ''the Attorney General shall, to the extent that she deems it appropriate,'' submit such recommendations to Congress.

More generally, we understand that this amendment may bypass the hearing and referral process and be appended immediately to S. 2507, the Intelligence Authorization bill, now headed for consideration on the floor of the Senate. Given the complexity of the issues, we would welcome a more considered dialogue between the branches of Government.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$607,973	$597,098
Highways	.....	26,920
Mass transit	.....	4,639
Mandatory	327,787	310,215
Total	935,760	938,872
Adjustments:		
General purpose discretionary	+468	+105
Highways	.....	.....
Mass transit	.....	.....
Mandatory	.....	.....
Total	+468	+105
Revised Allocation:		
General purpose discretionary	608,441	597,203
Highways	.....	26,920
Mass transit	.....	4,639
Mandatory	327,787	310,215
Total	936,228	938,977

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,534,078	1,495,819	7,381
Adjustments: Emergencies	+468	+105	−105
Revised Allocation: Budget Resolution	1,534,546	1,495,924	7,276

COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT

Mr. GORTON. Mr. President, I regret I was unable to vote on the final passage of the Colorado Ute Indian Water Rights Settlement Act, S. 2508. Had I been present, I would have voted in favor of this legislation.

This legislation has the support of the Governor and Attorney General of Colorado, the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe, the Native American Rights Fund, the Clinton Administration, not to mention the bi-partisan efforts of the Colorado and New Mexico delegations.

In addition, I would have voted in favor of the H.J. 115, the continuing resolution.

TRIBUTE TO SENATOR MOYNIHAN

Mr. FEINGOLD. Mr. President, today I rise to pay tribute to one of the greatest public servants among us: DANIEL PATRICK MOYNIHAN. For 24 years he has lent us the wisdom of his experience, the insights of his keen mind, and above all, the honor of his friendship. Senator MOYNIHAN reminds all of us what a Senator was intended to be. He is a leader who not only addresses the needs of his state, but who wrestles with the challenges facing the nation. Senator MOYNIHAN has been a great servant to the people of New York, but the legacy of accomplishments he leaves reach beyond New York's borders to touch the lives of every American.

With a brilliant intellect and an unwavering dedication, DANIEL PATRICK MOYNIHAN has helped us think through some of the toughest issues before this body, from welfare reform to taxation policy. He has worked to return secrecy to its limited but necessary role in government, an effort which I applaud. And he has lent his support to ''The Fisc,'' the annual compilation of the balance of payments between the states and the federal government, which brings needed attention to the ''donor'' status of New York, Wisconsin and other states. He has done a great service to our understanding of federal spending with his longtime support of this effort.

Recently, I was proud to work with Senator MOYNIHAN on the Mother-to-Child HIV Prevention Act of 2000, S. 2032, the substance of which was incorporated into the Global AIDS and Tuberculosis Relief Act of 2000, and signed into law in August. It was an honor to work with him to get this legislation to the President's desk. Senator MOYNIHAN's keen grasp of foreign affairs, as well as his mastery of domestic and urban issues, will be missed as he retires from the Senate.

Senator MOYNIHAN's lifetime of public service, his wisdom and experience, have been a wonderful gift to this body. I know my colleagues join me in my admiration for Senator MOYNIHAN as a public servant, my respect for him as a colleague, and my appreciation for him as a friend. It has been a distinct honor for me to serve with Senator MOYNIHAN since I came to this body in 1993. PAT, I wish you all the best as you retire from the U.S. Senate, and I look forward to your continued contributions to the nation as one of the greatest political thinkers of our age.

TRIBUTE TO RETIRING SENATOR CONNIE MACK

Mr. FEINGOLD. Mr. President, I rise today to pay tribute to the career of Connie MACK as he retires from the Senate. Senator MACK has served the people of Florida with distinction during his two terms in the Senate, as well as during his three terms in the House of Representatives. Throughout his career in public service, Senator MACK has been willing to address complex issues and help move the debate forward.

On matters of fiscal policy, Senator MACK and I have not often agreed, but I have admired his willingness to engage these issues in a serious way that fosters the kind of discussion we need in the Senate to deliberate on the difficult questions before us.

Senator MACK has been a steadfast advocate for increased NIH funding, and I have been proud to support his efforts, including his proposal, passed as an amendment to the fiscal year 1998 budget resolution, to double funding for NIH over the next five years. I share his belief that increasing funding for biomedical research is one of the most important ways we can improve the quality of life for America's families. Groundbreaking research, development of drug therapies and new medical procedures, all of these steps move us closer to life-saving medical breakthroughs that can detect, prevent, and eliminate life-threatening disease.

I have also been pleased to support Senator MACK's effort, along with Senator GRAHAM, to restore the Everglades. His work to preserve and restore this unique and beautiful area, home to fragile habitats and many endangered species, will undoubtedly be one of his greatest legacies.

It has been a pleasure to serve with Senator MACK over the last seven years. As he leaves the Senate, I wish him all the best and thank him for his many years of distinguished public service.

TRIBUTE TO BOB KERREY

Mr. FEINGOLD. Mr. President, when I first heard that BOB KERREY had decided not to run again, I knew the Senate was losing a true American original, and a big part of what makes the Senate special.

From my first moments in the Senate back in 1993, there was one thing I could tell right away—BOB KERREY is a true leader. In an age of poll-driven politics, BOB KERREY isn't afraid to ruffle a few feathers to raise the level of debate and work for the greater good. He has sparked debate on the big issues: saving Social Security, controlling federal spending, guaranteeing the right to health insurance, and helping the poor, just to name a few.

I was proud to work with him on the bipartisan deficit reduction package he spearheaded with former Senator Hank Brown of Colorado, and I'm proud to have a colleague with such a sincere commitment to fiscal responsibility. He fought to balance the federal budget when others said it could not be done. As Chair of the Bipartisan Commission on Entitlement and Tax Reform, BOB KERREY directed our attention to the long-term challenges that we need to heed.

BOB KERREY is a pleasure to work with, but he is also a courageous public servant who is willing to stand alone when it is necessary. In addition to his heroic record of public service, he is a hero who served his country valiantly in the Vietnam War. BOB KERREY brings great honor to the Senate as only the fifth Medal on Honor winner to serve in this body, and while he never makes a big deal about the honors he has received, every day he has served in the U.S. Senate, BOB KERREY has exhibited the strength of character that befit those tributes.

And while all those things are important, it is also essential to have a sense of humor, and we all know that BOB possesses that quality in spades. He is a pleasure to be around, and a good friend. I wish him all the best as he moves on to head the New School, and in everything he does.

TRIBUTE TO FRANK LAUTENBERG

Mr. FEINGOLD. Mr. President, as this Congress draws to a close, I want to take a moment to thank my friend FRANK LAUTENBERG for his 18 years of service in the body. The people of New Jersey are losing a skilled legislator and a gifted advocate. Whether he is fighting racial profiling or taking on the tobacco industry, FRANK LAUTENBERG has consistently fought for a healthier, safer, more just world for all of us.

After a successful career in the private sector, FRANK ran for the U.S. Senate motivated to give something back to his state and the nation. And never has he had greater success than during his 18 years in public service. It has been a pleasure to serve with Senator LAUTENBERG on the Budget Committee, where he has provided outstanding leadership as the committee's ranking member. Senator LAUTENBERG played a crucial role in crafting the bipartisan budget agreement of 1997 which led to the balanced budget, and putting this body back on the road to fiscal responsibility.

I stood side by side with Senator LAUTENBERG in the fight to implement the gift ban in 1995. And I've been especially proud to work with him to end racial profiling—the abhorrent law enforcement practice that targets African Americans, Hispanic Americans and other minorities for traffic stops based on the color of their skin. Together Senator LAUTENBERG and I introduced S. 821, the Traffic Stops Study Act, to require the Attorney General to conduct an initial analysis of existing data on racial profiling and then design a study to gather data from a nationwide sampling of jurisdictions. We've worked together on this issue for more than two years, and I believe our legislation will prevail, if not in this Congress, then in the next one.

I will proudly continue the fight to pass the Traffic Stops Study Act in the next Congress, but I will miss greatly FRANK's leadership on this issue. When we do finally pass this simple bill to get an accurate picture of racial profiling on our nation's roadways, we'll owe a big part of that victory to Senator LAUTENBERG.

Today I thank FRANK LAUTENBERG for his leadership on racial profiling and so many other issues that matter to the people of this nation. I wish him and his family all the best in his retirement, and thank him for his many contributions to the U.S. Senate, and to the American people.

THE SMALL BUSINESS INNOVATION RESEARCH'S RURAL OUTREACH PROGRAM

Mr. ENZI. Mr. President, I rise today to speak about giving small businesses the tools they need to be successful in today's competitive marketplace. I am committed to providing those tools by fully supporting the continuation of the Small Business Innovation Research (SBIR) Rural Outreach Program. Congressional commitment to small business development has created a network of people nationwide, especially in Wyoming, that is excited and knowledgeable about the SBIR Rural Outreach Program.

The SBIR Rural Outreach Program provides an excellent funding opportunity for individuals and small businesses in rural areas that have a passion to explore, develop and commercialize their innovative ideas. Created in 1982, the SBIR Program is a highly competitive program that encourages small business to explore their technological potential and provides the incentive to profit from its commercialization. By including qualified small businesses in the Nation's research & development arena, high-tech innovation is stimulated and the United States gains entrepreneurial spirit as it meets its specific research and development needs.

The SBIR Program is designed to target the entrepreneurial sector because that is where most innovation and innovators thrive. However, the risk and expense of conducting serious R&D efforts are often beyond the means of many small businesses. By reserving a specific percentage of federal R&D funds for small business, the SBIR Program protects the small business and enables it to compete on the same level as large businesses. The SBIR Program funds the critical startup and development stages and it encourages the commercialization of the technology, product, or service, which, in turn, stimulates the U.S. economy.

Each year, ten federal departments and agencies are required by the SBIR

Program to reserve a portion of their R&D funds for award to small business. Such agencies include the Department of Agriculture, Department of Commerce, Department of Defense, National Aeronautics and Space Administration, and National Science Foundation.

Following submission of proposals, agencies make SBIR awards based on small business qualification, degree of innovation, technical merit, and future market potential. Small businesses that receive awards or grants then begin a three-phase program. Phase I is the startup phase, awarding up to $100,000 for approximately 6 months support exploration of the technical merit or feasibility of an idea or technology. Phase II awards of up to $750,000, for as many as 2 years, expanding Phase I results. During this time, the R&D work is performed and the developer evaluates commercialization potential. Only Phase I award winners are considered for Phase II. Phase III is the period during which Phase II innovation moves from the laboratory into the marketplace. The small business must find funding in the private sector or other non-SBIR federal agency funding.

In 1997, Senator BURNS and I cosponsored legislation and Congress established the SBIR Rural Outreach Program to increase the SBIR participation of small businesses located in the states that receive the fewest SBIR awards. The program is limited to funding activities which encourage small firms in those states to participate in the SBIR Rural Outreach Program. The Outreach Program is targeted toward the 25 under-represented jurisdictions in the SBIR program in an effort to provide a secure funding mechanism to states so that they could develop an effective five-year effort to assist small businesses to take advantage of the SBIR program.

As you may know, western small businesses have some special impediments to overcome. The SBIR Rural Outreach Program provides an excellent funding opportunity for individuals and small businesses that have a passion to explore, develop and commercialize their innovative ideas. This is especially true in rural states like Wyoming. The Wyoming small business community is one of the cornerstones of our state's economy. Wyoming is the smallest state, with a large number of small businesses. The SBIR Rural Outreach Program is one way for Wyoming's small businesses to access federal funding.

Rural states need technology-based businesses that the SBIR program nurtures. The SBIR Rural Outreach Program is one of the few opportunities for Wyoming's small businesses to access federal R&D funding. I believe more innovative and aggressive approaches are needed to help rural states achieve greater participation in this, especially at those agencies that have proved difficult for small businesses to access.

There are several outreach activities that have been effective in helping small businesses in rural states compete successfully in the SBIR Rural Outreach Program. For example, the Wyoming SBIR Initiative outreach efforts have led to substantial gains in both the number of proposals submitted, the quality of proposals submitted, and the number selected for award. For example, Wyoming received one Phase I award in 1994. Wyoming, however, received 8 Phase I awards by 1995 and has received a total of 43 Phase I awards by 2000. To date, Wyoming has received approximately $9 million since 1987 for both Phase I and II awards, but there is still more that should be done to assist small businesses in the West.

I want to share the dramatic impact that SBIR awards have made on one Wyoming company—Wyoming Sawmills, Incorporated. The company's first Phase I SBIR award was from U.S. Department of Agriculture in May 1997, and it won the follow-on Phase II program in September 1998. The project aims to convert low-grade lumber into construction quality lumber through an innovative laminating technique. Wyoming Sawmills will begin commercial sales of the new product in 1999, and it already has captured related R&D funding based on this SBIR project. In January 1999, the company won a National Science Foundation Phase I award on another laminated wood product concept.

Another success story is CC Technology. CC Technology, a Laramie-based small business, has been notified of a $400,000 SBIR Phase II grant award from the National Science Foundation, NSF. During Phase I, the business did research on measuring cyanide levels in gold mining leach pads. For Phase II, a team consisting of CC Technology, Detection Limit, and Aspect Consultant Group has been built to monitor cyanide at both the mining solution levels and at trace levels for environmental compliance.

I want to express a special thank you to Chris Busch, from Senator BURNS' home state of Montana and who coordinated SBIR efforts in Wyoming for the past five years. Chris Busch did a remarkable job working with people in Wyoming to raise the awareness and participation of small businesses in the SBIR program. Working with small businesses, public organizations, and others in Wyoming and nationwide, Chris got people involved, helped them through the grant management process, and guided them in market development and commercialization. His commitment to small business development has created a network of people in Wyoming that is excited and knowledgeable about SBIR. Chris has helped to plant the seeds of economic diversity in communities that really need it. Chris' activities and commitment of this program are making SBIR work.

In closing, SBIR programs work for small businesses in rural states, especially Wyoming. Fortunately, we have several dedicated westerners in the Congress who have committed their time and legislative efforts to expand the successes of SBIR to all parts of the country. It is my hope that my colleagues will see the importance of this particular government program that is truly assisting small businesses nationwide. I look forward to continued bipartisan efforts to benefit our nation's small businesses by strongly supporting the SBIR Rural Outreach Program.

REAUTHORIZATION OF THE STATE AGRICULTURAL MEDIATION PROGRAM

Mr. JOHNSON. Mr President, I rise today to applaud Senate adoption of legislation I introduced to re-authorize and expand a popular program which provides mediation services between agricultural producers and the various credit and United States Department of Agriculture agencies who family farmers and ranchers work with to maintain their farming and ranching operations.

On June 15, 2000, I introduced S. 2741, legislation to re-authorize, expand, and clarify the state agricultural mediation program. Nine Senators cosponsored this legislation, including Senators DASCHLE, ROBERTS, CONRAD, GRASSLEY, KERREY, CRAIG, HARKIN, DORGAN, and LEVIN. I thank these colleagues for their bipartisan support for my bill, which was included as part of the Grain Standards Act adopted by the Senate earlier this week.

Extension of this mediation program was adopted with wide bipartisan support in the Senate as part of the Grain Standards Act Reauthorization. The present state agricultural mediation law was set to expire this year, but our reauthorization extends it through 2005.

This step was significant because family farmers and ranchers in my state of South Dakota and all across this country continue to suffer from a depressed rural economy and rock-bottom commodity prices. Agriculture is the backbone of our economy, and we must not fail to provide support to our family farmers and ranchers who are coping with these difficult times.

During the 1980's farm crisis, Congress approved federal funds and participation in a state-by-state operated farm mediation program. Authorized in the Agricultural Credit Act of 1987, this mediation program helps farmers and ranchers, and their creditors, in resolving credit disputes in a confidential and non-adversarial setting, which is outside the traditional process of litigation, appeals, bankruptcy, and foreclosure. The mediators are neutral facilitators and they do not make decisions for the disputing parties.

Each year Congress provides funding for state mediation, and these funds are matched with state funds to carry out the mediation program. Currently,

twenty-five states participate in this mediation program, including Alabama, Arkansas, Arizona, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Nevada, New Mexico, New York, New Jersey, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

I am pleased we were able to clarify and expand the scope of mediation in this reauthorization. With the support and direction of the Coalition of Agricultural Mediation Programs (CAMP), mediation now clearly can aim to resolve disputes such as wetland determinations, grazing issues, and USDA farm program matters, in addition to the traditional credit role of mediation. CAMP represents the individuals and entities across the nation who administer the state agricultural mediation programs, and I thank that organization for their leadership on this issue.

I want to specifically offer my thanks and gratitude to Linda Hodgin, Director of Mediation and Ag Counseling, with the South Dakota Department of Agriculture. Linda's knowledge, input, and ability to work with CAMP enabled Congress to enact the mediation reauthorization this year. Under her direction in the last two years, around 500 family farmers and ranchers in South Dakota have benefitted from the services of mediation and counseling. The mediators and counselors who work with Linda in South Dakota are to be commended for their time and commitment to family farm agriculture.

We live in a day and age where nearly every farmer and rancher must secure financing from some source in order to take care of production costs associated with agricultural production. This mediation program allows agricultural producers to settle their credit and farm program disputes in a fair way without digging themselves into legal debt. I wish to thank my colleagues who supported this important initiative.

VICTIMS OF GUN VIOLENCE

Mrs. BOXER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 26, 1999:

Manuel Guilarte, 78, Miami-Dade County, FL;

Damien McFarland, 25, Gary, IN;

Willie B. Nelson, 47, Atlanta, GA;

Sarah Petty, 49, Atlanta, GA;

Brett Pleasants, 39, Denver, CO;

Brenda Ray, 31, Atlanta, GA;

Tony B. Richards, 32, Memphis, TN;

Fernando Rodriquez, 25, Detroit, MI;

Comer Sistrunk, Jr., 61, Cincinnati, OH;

Ronald Turchi, 61, Philadelphia, PA;

Tony Unk, Houston, TX;

Michael Washington, 16, Baltimore, MD; and

Deric West, 18, Oakland, CA.

One of the victims of gun violence I mentioned, 31-year-old Brenda Ray of Atlanta, was shot and killed one year ago today while walking home from her sister's house with her two children. A stranger approached Brenda, robbed her, then shot her in the chest while her six-year-old son and five-year-old daughter stood by watching.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

PASSAGE OF S. 3164

Mr. LEAHY. Mr. President, I am pleased that the ''Protecting Seniors from Fraud Act'' passed the Senate. I was an original cosponsor of this bill, S. 3164, which Senator BAYH introduced on October 5, 2000, with Senators GRAMS and CLELAND. I have been concerned for some time that even as the general crime rate has been declining steadily over the past eight years, the rate of crime against the elderly has remained unchanged. That is why I introduced the Seniors Safety Act, S. 751, with Senators DASCHLE, KENNEDY, and TORRICELLI over a year ago.

The Protecting Seniors from Fraud Act includes one of the titles from the Seniors Safety Act. This title does two things. First, it instructs the Attorney General to conduct a study relating to crimes against seniors, so that we can develop a coherent strategy to prevent and properly punish such crimes. Second, it mandates the inclusion of seniors in the National Crime Victimization Study. Both of these are important steps, and they should be made law.

The Protecting Seniors from Fraud Act also includes important proposals for addressing the problem of crimes against the elderly, especially fraud crimes. In addition to the provisions described above, this bill authorizes the Secretary of Health and Human Services to make grants to establish local programs to prevent fraud against seniors and educate them about the risk of fraud, as well as to provide information about telemarketing and sweepstakes fraud to seniors, both directly and through State Attorneys General. These are two common-sense provisions that will help seniors protect themselves against crime.

I hope that we can also take the time to consider the rest of the Seniors Safety Act, and enact even more comprehensive protections for our seniors. The Seniors Safety Act offers a comprehensive approach that would increase law enforcement's ability to battle telemarketing, pension, and health care fraud, as well as to police nursing homes with a record of mistreating their residents. The Justice Department has said that the Seniors Safety Act would ''be of assistance in a number of ways.'' I have urged the Chairman of the Senate Judiciary Committee to hold hearings on the Seniors Safety Act as long ago as October 1999, and again this past February, but my requests have not been granted. Now, as the session is coming to a close, we are out of time for hearings on this important and comprehensive proposal and significant parts of the Seniors Safety Act remain pending in the Senate Judiciary Committee as part of the unfinished business of this Congress.

Let me briefly summarize the parts of the Seniors Safety Act that the majority in the Congress declined to consider. First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's ''proposed minimum standard'' for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarketing fraud, which costs billions of dollars every year. This legislation would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, this proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints

or been convicted of fraud. Senator BAYH has recently introduced another bill, S. 3025, the Combating Fraud Against Seniors Act, which includes the part of the Seniors Safety Act that establishes the clearinghouse for telemarketing fraud information.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. The bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes ''deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement.'' This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

I commend Senators BAYH, GRAMS and CLELAND for working to take steps to improve the safety and security of America's seniors. We have done the right thing in passing this bipartisan legislation and beginning the fight to lower the crime rate against seniors. I also urge my colleagues to consider and pass the Seniors Safety Act. Taken together, these two bills would provide a comprehensive approach toward giving law enforcement and older Americans the tools they need to prevent crime.

ADDITIONAL STATEMENTS

TRIBUTE TO LOCAL 1945, AFGE

● Mr. SESSIONS. Mr. President I rise to day to pay tribute to the Local 1945 Chapter of the American Federation of Government Employees.

On December 1, 1959 the charter of the American Federation of Government Employees (Local 1945) was established at Anniston Army Depot. Of the seventy-eight charter members that established Local 1945, only nine survive today.

These nine leaders in government service, through their courage and dedication, were instrumental in the development of a proud and professional workforce for Anniston Army Depot and the Department of Defense. The workforce these individuals cared for and inspired has supported United States soldiers around the world during times of conflict, crisis and war. In the jungles of Vietnam, along the thirty-eighth parallel, and in the sands of Kuwait have been evidenced the dedication of the Anniston Army Depot employees to their nation's soldiers. Tanks, small arms, and munitions did not leave the hills of Alabama alone but were accompanied by the thoughts and prayers of a humble and caring group of federal employees shaped in many ways, by these special nine men.

Today, while we seek to honor these fine men in the sunset of their lives it must be noted that the traditions of excellence and integrity they gave to their co-workers still survives in youthful exuberance, rekindled by this remembrance.

In homage to: Billy Bean; Elmer Graham; Raymond Guthrie; Atwell Burgess; William Hammond; Raymond Lusk; George Hunt; J.B. Perry; and William Hagan.●

RECOGNIZING CALIFORNIA'S OLYMPIANS

● Mrs. FEINSTEIN. Mr. President, I rise today to recognize California's participants in the Games of the XXVIIth Olympiad for their outstanding efforts and accomplishments. I am so proud of their performances and the dignity with which they carried themselves.

This year, the United States had another spectacular Games, and I am particularly pleased that Californians had much to do with our success. Some of this year's most memorable moments involved athletes from California: Marion Jones was the first woman ever to medal in five track and field events, Sean Burroughs helped our baseball team snatch gold from a heavily favored Cuban Team, Eric Fonoimoana and Dain Blanton won gold in the beach volleyball tournament, Venus Williams was the second woman ever to win gold medals in both singles and doubles tennis, and Lisa Leslie led the women's basketball team to its 34th Olympic championship.

The Olympics have long been the world's premiere stage where athletes compete; their performances are inspiring and, sometimes, heart-breaking. And while the world enjoys two weeks of drama and intense competition, we must remember that these athletes have chased their Olympic dreams for years, even decades, with perseverance and courage. I thank each athlete—qualifier and medal winner alike—for giving us the privilege of witnessing their triumphs. Each performance was a very personal moment in these athletes' lives, and I am inspired by their courage and resolve to pursue their Olympic dreams. These athletes competed with all their heart and they make California proud.

Mr. President, I ask that the following names of the medal winning athletes from California be printed in the RECORD.

Aaron Peirsol, Silver medal, Swimming—Men's 200 Meter Backstroke.

Amanda Beard, Bronze Medal, Swimming—Women's 200 Meter Breaststroke.

Venus Williams, Gold Medal, Tennis—Women's Singles; Gold Medal, Tennis—Women's Doubles.

Serena Williams, Gold Medal, Tennis—Women's Doubles.

Guenter Seidel, Bronze Medal, Equestrian Team Dressage Grand Prix.

Christine Traurig, Bronze Medal, Equestrian Team Dressage Grand Prix.

Eric Fonoimoana, Gold Medal, Men's Beach Volleyball.

Dain Blanton, Gold Medal, Men's Beach Volleyball.

Sean Burroughs, Gold Medal, Men's Baseball.

Marion Jones, Gold Medal, Track and Field—Women's 100 Meters; Gold Medal, Track and Field—Women's 200 Meters; Gold Medal, Track and Field—Women's 4x400 Meter Relay; Bronze Medal, Track and Field—Women's 4x100 Meter Relay; Bronze Medal, Track and Field—Women's Long Jump.

Chryste Gaines, Bronze Medal, Track and Field—Women's 4x100 Meter Relay.

Torri Edwards, Bronze Medal, Track and Field—Women's 4x100 Meter Relay.

Mari Holden, Silver Medal, Cycling—Women's Individual Time Trial.

Lisa Leslie, Gold Medal, Women's Basketball.

Gary Payton, Gold Medal, Men's Basketball.

Alonzo Mourning, Gold Medal, Men's Basketball.

Jason Kidd, Gold Medal, Men's Basketball.

Mark Reynolds, Silver Medal, Sailing—Men's Open Sail Star Fleet Races.

Lorrie Fair, Silver Medal, Women's Soccer.

Kaitlin Sandeno, Bronze Medal, Swimming—Women's 800 Meter Freestyle.

Bernice Orwig, Silver Medal, Women's Water Polo.

Joy Fawcett, Silver Medal, Women's Soccer.

Mark Crear, Bronze Medal, Track and Field, men's 110 Meter Hurdles.

Jason Lezak, Silver Medal, Swimming—Men's 4x100 Meter Free Relay.

Jenny Thompson, Gold Medal, Swimming—Women's 4x100 Medley; Gold Medal, Swimming—Women's 4x200 Meter Free Relay; Gold Medal, Swimming—Women's 4x100 Meter Free Relay; Bronze Medal, Swimming—Women's 100 Meter Freestyle.

Lenny Krazelburg, Gold Medal, Swimming—Men's 100 Meter Backstroke; Gold Medal, Swimming—Men's 200 Meter Backstroke; Gold Medal, Swimming—Men's 4x100 Meter Medley.

Anthony Ervin, Gold Medal, Swimming—Men's 50 Meter Freestyle; Silver Medal, Swimming—Men's 4x100 Meter Free Relay.

Anthony Ervin, Silver Medal, Swimming—Men's 4x100 Meter Free Relay.

John Godina, Bronze Medal, Track and Field, Men's Shot Put.

Pease Glaser, Silver Medal, Sailing, Women's 470 Fleet Races.

Tom Wilkens, Bronze Medal, Swimming—200 Meter Individual Medley.

Dara Torres, Gold Medal, Swimming—Women's 4x100 Medley; Gold Medal, Swimming—Women's 4x100 Meter Free Relay; Bronze Medal, Swimming—Women's 100 Meter Butterfly; Bronze Medal, Swimming—Women's 100 Meter Freestyle; Bronze Medal, Swimming—Women's 50 Meter Freestyle.

Sheila Douty, Gold Medal, Softball.

Kathy Sheehy, Silver Medal, Women's Water Polo.

Calvin Harrison, Gold Medal, Track and Field—4x400 Meter Relay.

Alvin Harrison, Gold Medal, Track and Field—4x400 Meter Relay; Silver Medal, Track and Field—400 Meters.

Stacey Nuveman, Gold Medal, Softball.

Yolanda Griffith, Gold Medal, Women's Basketball.

Lisa Fernandez, Gold Medal, Softball.

Danielle Slaton, Silver Medal, Women's Soccer.

Brandi Chastain, Silver Medal, Women's Soccer.
Kimberly Rhode, Bronze Medal, Shooting—Women's Double Trap Final.
Nicole Payne, Silver Medal, Women's Water Polo.
Maurice Green, Gold Medal, Track and Field—100 Meters; Gold Medal, Track and Field—4x100 Meter Relay.
Robin Beauregard, Silver Medal, Women's Water Polo.
Nikki Serlenga, Silver Medal, Women's Soccer.
Crystl Bustos, Gold Medal, Softball.
Julie Foudy, Silver Medal, Women's Soccer.
Laura Berg, Gold Medal, Softball.
Dot Richardson, Gold Medal, Softball.
Ericka Lorenz, Silver Medal, Women's Water Polo.
Adam Nelson, Silver Medal, Track and Field—Men's Shot Put.
Lindsey Benko, Gold Medal, Swimming—Women's 4x200 Meter Free Relay.
Heather Petri, Silver Medal, Women's Water Polo.
JJ Isler, Silver Medal, Sailing—470 Fleet Races.
John Drummond, Gold Medal, Track and Field—4x100 Meter Relay.
Julie Swail, Silver Medal, Women's Water Polo.
Coralie Simmons, Silver Medal, Women's Water Polo.
Ellen Estes, Silver Medal, Women's Water Polo.
Brenda Villa, Silver Medal, Women's Water Polo.

RECOGNIZING ROBERT A. ELLERD

● Mr. BURNS. Mr. President, I would like to take a moment to recognize Robert A. Ellerd—a great Montanan, a great Marine, and a great man.

This year, Bob will be honored as Marine of the Year by the Gallatin Valley Detachment of the Marine Corps League. Every year these Marines get together for the Marine Corps Birthday Ball in Bozeman to honor the tradition of the Marines as well as recognize one of their own. Bob certainly deserves to be the one honored.

Bob enlisted in the Marines in December 1941, even though he worked in an essential industry—meat packing—and could have accepted a deferment. After training in San Diego, he left for the South Pacific. There he helped guard the Samoa Islands and took part in the fierce combat in the Allied efforts to take Guadalcanal and the Marshall and Gilbert Islands.

Later in the war, Bob used his combat experience to train other infantry before they headed to the front lines. No doubt his work helped save hundreds of lives and contributed to the victory that saved the world from tyranny.

There really are no words that I can say to adequately thank Bob Ellerd, but I can express my appreciation from a grateful nation. Bob is one reason we now call it the Greatest Generation, and they couldn't have a picked a better Marine of the Year. Thank you Bob, and Semper Fi.●

TRIBUTE TO JOHN F. GARDE UPON HIS RETIREMENT

● Mr. DURBIN. Mr. President, today I would like to pay tribute to a constituent from Illinois, John F. Garde. Mr. Garde will soon be retiring as the Executive Director of the American Association of Nurse Anesthetists, AANA, after 17 years of service. I am very pleased to honor the distinguished career of John F. Garde for his contributions to the practice of anesthesia from my state of Illinois.

The AANA is the professional association that represents over 27,000 practicing Certified Registered Nurse Anesthetists (CRNAs). Founded in 1931, the American Association of Nurse Anesthetists is the professional association representing CRNAs nationwide. As you may know, CRNAs administer more than 65 percent of the anesthetics given to patients each year in the United States. CRNAs provide anesthetics for all types of surgical cases and are the sole anesthesia provider in two-thirds of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stablization capabilities. They work in every setting in which anesthesia is delivered including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and plastic surgeons.

John received his anesthesia training in 1957 from St. Francis Hospital School of Anesthesia in LaCrosse, WI and began practicing at the U.S. Public Health Hospital in Detroit, Michigan the following year. Having been a provider of anesthesia for numerous years he became an Associate Professor and Chairman of the Department of Anesthesia at Wayne State University, College of Pharmacy and Allied Health in 1975. Using this experience, he then became the Education Director of the AANA in Park Ridge, IL in 1980 before taking his current role as Executive Director in 1983. He accolades range from propelling nurse anesthesia programs into a graduate framework resulting in 50 per cent of them moving into the College of Nursing, as well as establishing the International Federation of Nurse Anesthetists (IFNA) during his tenure with the AANA. John has served the AANA as a member, board member, past president, and now will be retiring as a very celebrated executive director among his peers.

Mr. Garde has many honors to follow his list of career accomplishments. John was inducted as a fellow of the American Academy of Nursing in 1994. In 1999 the Association of Chicagoland recognized him for his outstanding contributions to the Association community, presenting him with the John C. Thiel Distinguished Service Award.

I ask my colleagues to join me today in recognizing Mr. John F. Garde, CRNA, MS, FAAN, for his notable career and outstanding achievements.●

TRIBUTE TO VAUGHAN TAYLOR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mr. Vaughan Taylor, a Jacksonville, North Carolina, attorney and his wife Linda for their heroic efforts to help save the lives of three of the crew members aboard the *Frisco*, a Virginia Beach fishing vessel.

Avid sailors, Vaughan and Linda are no strangers to the perils of the sea. As Vaughan navigated their 40 foot sailboat, *Legacy*, off the shores of North Carolina, he encountered a pile of floating wreckage. What he did not expect to find were three members of the Lynnhaven based scalloper, *Frisco*. It had been more than eight hours since a freighter had emerged from the fog, crushing the *Frisco* and leaving its crew of four clinging to debris in the dead of night.

Knowing that their boat was not only low on fuel in bad weather, but also dangerously testing the limit to his radio's frequency, Vaughan and Linda pushed ahead, determined to rescue these men. After radioing for help from anyone who could hear his plea, Vaughan sprang to action aboard the sailboat and began to haul the first member of the crew out of the water. Time was of the essence as he struggled to pull the other crew member from the water. Unable to fight against the weight of his water logged survival suit, Vaughan secured the survivor to the boat with a life preserver and tight line.

Using their years of experience at sea, Vaughan and his wife risked their own safety to save the lives of these men. By treating them for hypothermia, they were able to avoid a fatal tragedy for these men. Concentrating on getting the men the five miles back to shore safely, Vaughan hoisted the sails, kept in touch with the U.S. Coast Guard and began cruising at top speeds towards the Chesapeake Bay. Ending the heroic crusade with the credit of saving these lives, and only a mere .8 gallons of gas to spare, Vaughan Taylor serves as a positive role model for all those who venture into the high seas.

In all that Vaughan Taylor approaches, he gives unbridled efforts, and stops at nothing short of success. As has been the case in his work for U.S. personnel missing in action and their families, Vaughan continuously fights for the rights of others. He is also one of the most well-respected attorneys representing military personnel who need help, and his knowledge of the uniform code of military justice is second to none. It comes as no surprise that he would risk his own life with his wife by his side, to save his fellow man. I am proud to call Vaughan Taylor a close friend of mine, and I applaud his devotion to humanitarian causes.

Mr. President, also let me express my sympathy to the family of Captain Charlie Peel, the owner of the *Frisco*, who, unfortunately was never found. He was very much respected by all of the waterman in Lynnhaven Inlet, and was like a father to the others aboard the *Frisco*. I am sure he will be missed, and is in our thoughts and prayers.●

UNITED STATES COURTHOUSE AT ISLIP, NEW YORK

• Mr. MOYNIHAN. Mr. President, on October 16 the new United States Courthouse at Islip, New York, was dedicated in a splendid ceremony at which the distinguished architect Richard Meier spoke, in the company of Robert A. Peck, the singularly gifted Commissioner of the Public Buildings Service of the General Services Administration.

The ceremony was splendid for the simple reason that the courthouse is magnificent. Perhaps the finest public building of our era. Certainly the finest courthouse. And it could never have happened save for the Design Excellence Program Commissioner Peck has put in place with his characteristic compound of genius and persistence.

Major Peck, as he is known to his friends (he was a Green Beret officer), is a public servant of unexampled ability and achievement. His record is known to all. Some number of years ago when he was counsel to the Senate Committee on Environment and Public Works, he put together for the Committee a slide show consisting of photographs of early public buildings in early America. He did not plead his case; he made it. The buildings exude a confidence and expectation that clearly explain the endurance of American democracy. I recall in particular a white wooden-frame courthouse in Rhode Island. Graceful, serene, unthreatening yet equally forceful. Of a sudden it came to us. As nowhere else on earth, the courthouse is a symbol of government in the United States. Go to London, go to Paris. There are courthouses, or at least courtrooms there. If you can find them. Amidst the cathedrals and the palaces, and to be sure, the buildings of the legislature. Here it is different. The courthouse square is where folk gather.

The Nation owes Robert A. Peck more than it will ever know. But this would hardly matter to him. As the time approaches when he will leave government, he takes with him the knowledge of his singular public service.

I ask that Major Peck's address on the occasion of the courthouse dedication be included in the RECORD at this point, along with a brief summary of his service.

The material follows:

ROBERT A. PECK, COMMISSIONER, GSA PUBLIC BUILDING SERVICE, 16 OCTOBER 2000

Building partners, GSA colleagues, and distinguished guests; may it please the court: This is a fine day, a great day for this Court, for New York, for Long Island and for us in the General Services Administration. But more important still, we might well someday regard this as the day that marked the full flowering of a renaissance in public building in America.

At the turn of another century, at this season exactly two hundred years ago, the White House and the Capitol were occupied, if not quite completed, in Washington. It is not by chance that they quickly became the architectural icons of American democracy. George Washington and Thomas Jefferson intended them to be just that. They conscientiously sought to erect Federal buildings of a scale, style and quality that would reflect the noble origins and intentions of the new government.

And so began a tradition of American public building that would, for a century and a half, produce some of the finest buildings in America. The federal government built courthouses, post offices, land offices and custom houses all over the expanding nation. You can see photos of Federal buildings of imposing stature, constructed of enduring materials and elegantly detailed, sitting on unpaved streets in what were literally one-horse towns. The buildings simultaneously planted the flag and put the towns on the map. The government was proud to build them and the townspeople were proud to have them. States and cities followed suit with stately civic buildings, malls, and memorials.

Then, after World War II, something happened. As the scale of government increased, public buildings diminished. Not in size, but in accomplishment. Just as GSA was being founded, fifty-one years ago, public architecture fell into decline and, quickly, into deserved disrepute.

As in so many other things, there was a brief shining moment for public architecture in the Kennedy Administration. Drafted by a then-special assistant to the Secretary of Labor, one Daniel Patrick Moynihan, a set of Guiding Principles for Federal Architecture appeared from nowhere. Certainly no one had asked for them. The Principles called for federal architecture which is ''distinguished and which will reflect the dignity, enterprise, vigor and stability of the American National Government.'' But the Kennedy era produced few buildings and, in any event, the spark didn't ignite.

GSA would try on occasion. I was witness to one noteworthy hearing in the first or second year of Senator MOYNIHAN's first term in which a GSA official, pointing to a tepid design, said the government was trying to put the poetry back in its architecture. Senator MOYNIHAN advised, ''better try to learn the prose first.''

Look at this building. Walt Whitman does come to mind, or perhaps Mozart or Copland, if architecture is indeed frozen music.

GSA is now some forty buildings into the largest public buildings program since that of the 1930's. We are turning out building after building, mostly courthouses but also office buildings, border stations and even laboratories, that meet the test of the Guiding Principles.

GSA's Design Excellence Program has changed our expectations for public architecture. Members of Congress from both parties and local community leaders now demand quality from us. Many cities are following suit and are hiring the best designers they can find to build new civic structures, in so doing reviving their own traditions born in the City Beautiful movement of a century ago.

Inside GSA, Design Excellence has spurred us to demand higher quality of ourselves, not just in architecture but in all that we do. We aspire to build historic landmarks for the next generation. Just as so many Federal buildings of the 19th and early 20th century have become local landmarks that citizens rally to defend, so we are determined that our new buildings will stir affectionate and passionate defenders in the years to come.

Richard Meier's accomplishment here sets a mark that will be hard to surpass but that challenges us to accept nothing short of the inspirational when we build.

GSA in this Administration made a bold decision to pursue design excellence. All praise is due to GSA's chief architect, Ed Feiner, a native of New York City and his GSA colleague, Marilyn Farley, who persevered through years of indifferent response inside GSA to become the architects of our Design Excellence process. In his New Yorker review of this building, Paul Goldberger said the GSA was a much more enlightened client for Richard Meier than was at least one other well-known client of his. To Ed and Marilyn go much of the credit for this.

We are fortunate to have as our clients in this, as in so many of our projects, the federal judiciary. They are not easy clients, as you might expect of those with lifetime tenure who are used to having the final say. But they are the best clients, because they care about the quality of the buildings in which they carry out perhaps the most sensitive function in our society. Judge Wexler has lived and breathed this building for a long, long time and we are all in his debt.

At these dedications, those of us who speak—the judges and the architects excluded—often have had little to do with the day to day agonies and triumphs of seeing a project like this to completion. So thanks to the GSA project managers, the construction managers, the architect's team and the builders, those who sat here in the construction trailers, who hammered out the details and who worked in the prose of budgets and schedules. And thanks to the construction workers, too often overlooked as we congratulate each other.

Again, thank you to Richard Meier. Your building is at once a structure that stirs emotion and embodies reason, a building that at once demonstrates the power of large ideas and proves, as Mies van der Rohe said, that god is in the details.

May I sound a few cautionary notes and, in this political season, petition for help? We have retained our way on public architecture only recently, to the enduring benefit of our people, our communities and our policy. But we could regress.

There are still some, not many, thankfully, who would limit budgets to such a degree that we would be putting up throw-away buildings. GSA has combined judicious and vigorous budget-setting with our design excellence procedures to make sure that we build with prudence as well as with grace.

There are some, again not many, who think GSA should build in a ''traditional'' style, whatever that means. At the turn of the last century, the federal government did decree an official style. As happens too frequently in government, what started out as a declaration in favor of a fresh idea remained in force so long that it prevented the government from keeping up with changing times. The Guiding Principles wisely forbade the government from having an official style and directed instead that the government take architectural direction from the best practitioners in the private design community. We need support in building buildings like this one, a striking and ennobling structure of and for the 21st century.

And finally, there is the nation's understandable concern with security. We must build buildings like this one, that intelligently and rationally counter likely and deterrable risks. We must not and need not wall off our public buildings and our public servants from the public they are intended to serve. We must not let the terrorists become our most influential architects.

Everyone in GSA who has had anything to do with this project will be proud as long we he or she lives that we had even a small role in giving New York and the nation this temple of democracy. We are proud to be building buildings worthy of the American people—none so worthy as this.

ROBERT A. PECK

Robert A. Peck was appointed Commissioner of the Public Buildings Service of the U.S. General Services Administration on December 26, 1995. The position dates in a direct line to the establishment of a Federal Office of Construction in 1853. As head of the Public Buildings Service, Bob Peck is in charge of asset management and design, construction, leasing, building operations, security and disposals for a real estate portfolio of more than 330 million square feet in more than 8,300 public and private buildings accommodating over one million workers. PBS owns or leases nearly all civilian Federal office space, courthouses and border stations and many laboratories and storage facilities. The PBS annual budget is approximately $5.5 billion, nearly 90% of which is contracted to the private sector.

Mr. Peck has been a land use and real estate lawyer, real estate investment executive and vice president for government and public affairs at the American Institute of Architects.

In prior public service, Mr. Peck has worked at the U.S. Office of Management and Budget, the National Endowment for the Arts, the Carter White House and the Federal Communications Commission. He was chief of staff to U.S. Senator Daniel Patrick Moynihan (D–NY) and a counsel to the Senate Committee on Environment and Public Works (where among his other duties was oversight of the Public Buildings Service). He was also a Special Forces (Green Beret) officer in the U.S. Army Reserve.

Mr. Peck received his B.A., cum laude, Phi Beta Kappa, with distinction in economics, from the University of Pennsylvania in 1969 and his J.D. from Yale Law School in 1972. He has been a visiting lecturer in art history at Yale University and a visiting Loeb Fellow at the Harvard University Graduate School of Design. In 1997, he was named an honorary member of the American Institute of Architects and in 2000 received a Corporate Real Estate Leadership award from Site Selection, the magazine of the International Development Research Council.

Bob Peck has been active in historic preservation and urban design, serving as president of the D.C. Preservation League and as a presidential appointee on the U.S. Commission of Fine Arts, the Federal design review board for the nation's capital. He has written and spoken extensively on preservation, urban planning, infrastructure investment and transportation. He is a member of the Board of Regents of the American Architectural Foundation and serves on the national advisory board of the Mayors Institute on City Design.●

GENERAL SCHOOMAKER

● Mr. THOMAS. Mr. President, it is a privilege for me to join the Secretary of Defense in recognizing General Peter Schoomaker, a man whose lifetime of service commemorates the very spirit on which our great country was founded. General Schoomaker's distinguished military career will draw to a close on October 27, 2000, when he steps down from his position as Commander in Chief of the United States Special Operations Command.

General Schoomaker has always demonstrated a commitment to excellence and service. Since being commissioned as a second lieutenant in 1969, upon graduation from the University of Wyoming, his commitment to serve has provided him with the foundation of a lifetime of success. He has served at all levels in conventional and special operations and participated in numerous contingency operations, ranging from Desert One in Iran through Uphold Democracy in Haiti. He currently shoulders the responsibility for all special operations of the Army, Navy, and Air Force, both active and reserve.

Clearly, General Schoomaker has been a pivotal and talented player on the national security stage, but his measure as a man goes beyond the profession at which he excels. General Schoomaker's quest for excellence began early when he was a defensive lineman for the University of Wyoming football team which won the 1967 Sugar Bowl. These memories rank high on his list of notable achievements, primarily because of the teamwork it took to succeed. Fostering a spirit of teamwork continues to be the guiding force in General Schoomaker's leadership philosophy, and his enduring legacy for the service epitomizes the concepts he learned long ago on the gridiron.

Mr. President, the people of Wyoming have been blessed with a long list of servicemen and women who are willing to put the needs of other in front of their own. Today, I have the opportunity to celebrate an adopted son of my home state, General Peter Schoomaker, a man who embodies the qualities of determination, self-sacrifice, and leadership.●

IN RECOGNITION OF DEBORAH V.H. COOK AND PATRICIA BUEKAMA

● Mr. TORRICELLI. Mr. President, I rise today to recognize Ms. Deborah V.H. Cook and Ms. Patricia Buekema for their 25 years of service to the Glen Ridge School System.

For the past 25 years, these outstanding educators have taught many grade levels and a countless number of students have benefitted from their instruction. As members of the Glen Ridge community, Ms. Cook and Ms. Buekema have demonstrated an extraordinarily high level of commitment and selflessness to which we should all strive to achieve.

However, the impact of their service reaches far beyond the classroom. Both Ms. Cook and Ms. Buekema have dedicated themselves to creating a supportive and productive environment for the youth of Glen Ridge. They have helped to shape the minds and encourage the spirit of these young individuals during a crucial stage of development in their lives.

Ms. Cook's and Ms. Buekema's accomplishments, throughout their years of service, reflect only a small portion of the many contributions they have made to the people of Glen Ridge. Their efforts have touched the lives of their students as well as those throughout their community.

They are an example of the professionalism that we look for in our educators, and the type of citizens that we hope to find in our neighborhoods, which is why their dedication is to be recognized and commended.●

HONORING OF PHYLLIS E. THOMPSON

● Mr. REID. Mr. President, I rise today to honor a remarkable Nevadan, Phyllis Thompson. Phyllis has been a resident of Henderson, Nevada since 1951. On November 1, 2000, she will be receiving the Philanthropy Day Award from St. Rose Dominican Hospital. The Philanthropy Day Award honors individuals who embody volunteerism and have made significant civic and charitable contributions. There is no one more deserving of this honor than Phyllis Thompson.

Phyllis Thompson is a talented and tenacious businesswoman. She entered the construction business in the early 1970s, an all-male field at the time. She and her husband Charles started Basic Ready Mix with one truck, and she had to work nights as a waitress to make ends meet. Eventually, she was able to expand the business to 175 trucks. She sold the company in 1991, but she could not stay retired for long. In 1996, she founded Phyllis E. Thompson Companies, a commercial real estate firm, which she has built into an unequivocal success.

Not only has Phyllis Thompson accomplished a great deal in the business world, but she has also enjoyed success as a sportsman. She has been hunting trophy deer for twenty years and is a professional off-road racer. In 1997, she won the Nevada Prim 250, a 250 mile off-road race.

Throughout her extraordinary life, Phyllis Thompson's true devotion has been to family. She is the proud mother of two children, Lonny and Terri, and has been blessed with six grandchildren. In addition, her charitable work has been focused on helping families. St. Rose Dominican Hospital, the Salvation Army, Boys & Girls Clubs of Henderson, Cystic Fibrosis Foundation, Safe House, and Child Seekers are among the many organizations to which she has given so much. In fact, she was recognized in 1999 as Board Member of the Year by the Boys & Girls Clubs of Henderson.

Philanthropy Day, established in 1986, is observed every November to recognize the importance of philanthropy in our communities. It is a time to acknowledge the entire spectrum of services provided by the non-profit community, and recognize the profound effect that volunteerism and giving have on the fabric of society.

Phyllis Thompson embodies the spirit of Philanthropy Day. She has shared her success and good fortune through volunteerism and philanthropy. She sets a wonderful example for all of our citizens, selflessly giving of her time, talent and financial means to help others make the most of their lives. I thank her for their friendship and all that she has done for the citizens of Nevada.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 136

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 26, 2000.*

PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA

I hereby report to the Congress on the developments since my last concerning the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995 (the ''Order''). This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (''IEEPA''), 50 U.S.C. 1703(c). Sanctions imposed against significant narcotics traffickers centered in Colombia pursuant to Executive Order 12978 are separate from, and independent of, sanctions imposed pursuant to the Foreign Narcotics Kingpin Sanctions Act (Pub. L. 106–120, Title VIII). This report covers sanctions imposed and persons named as specially designated narcotics traffickers pursuant to Executive Order 12978, but does not cover those persons identified pursuant to the Foreign Narcotics Kingpin Designation Act, who are addressed in a separate report as provided in that Act.

1. On October 21, 1995, I signed Executive Order 12978, ''Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers'' (the ''Order'') (60 Fed. Reg. 54579, October 24, 1995). The Order blocks all property and interests in property that are or hereafter come within the United States, or that are or hereafter come within the possession or control of U.S. persons, in which there is any interest of four individuals named as significant foreign narcotics traffickers. These traffickers, two of whom are now decreased, were listed in the Annex to the Order and identified as principals in the so-called Cali drug cartel centered in Colombia. The Order also blocks the property and interests in property of foreign persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, (a) to play a significant role in international narcotics trafficking centered in Colombia, or (b) materially to assist in or provide financial or technological support for, or goods or service in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order. In addition, the Order blocks all property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the Order (collectively ''Specially Designated Narcotics Traffickers'' or ''SDNTs'').

The Order further prohibits any transaction or dealing by a U.S. person or within the United States in property or interests in property of SDNTs, and any transaction that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, the prohibitions contained in the Order.

Designations of foreign persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Department of the Treasury's Office of Foreign Assets Control (''OFAC'') acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

2. On October 24, 1995, the Department of the Treasury issued a Notice containing 76 additional names of persons determined to meet the criteria set forth in the Order. Additional Notices expanding and updating the list of SDNTs were published on November 29, 1995 (60 Fed. Reg. 61288), March 8, 1996 (61 Fed. Reg. 9523), and January 21, 1997 (62 Fed. Reg. 2903).

Effective February 28, 1997, OFAC issued the Narcotics Trafficking Sanctions Regulations (''NTSR'' or the ''Regulations''), 31 C.F.R. Part 536, to further implement the President's declaration of a national emergency and imposition of sanctions against significant foreign narcotics traffickers centered in Colombia (62 Fed. Reg. 9959, March 5, 1997).

On April 17, 1997 (62 Fed. Reg. 19500, April 22, 1997), July 30, 1997 (62 Fed. Reg. 41850, August 4, 1997), September 9, 1997 (62 Fed. Reg. 48177, September 15, 1997), and June 1, 1998 (63 Fed. Reg. 29608, June 1, 1998), OFAC amended the appendices to 31 C.F.R. chapter V, revising information concerning individuals and entities who have been determined to play a significant role in international narcotics trafficking centered in Colombia or have been determined to be owned or controlled by, or to act for or on behalf of, or to be acting as fronts for the Cali cartel in Colombia.

On May 27, 1998 (63 Fed. Reg. 28896, May 27, 1998), OFAC amended the appendices to 31 C.F.R. chapter V by expanding the list for the first time beyond the Cali cartel by adding the name of one of the leaders of Colombia's North Coast cartel Julio Cesar Nasser David, who has been determined to play a significant role in international narcotics trafficking centered in Colombia, and 14 associated businesses and four individuals acting as fronts for the North Coast cartel. Also added were six companies and one individual that have been determined to be owned or controlled by, or to act for or on behalf of, or to be acting as fronts for the Cali cartel in Colombia. These changes to the previous SDNT list brought it to a total of 451 businesses and individuals.

On June 25, 1999, OFAC amended the appendices to 31 C.F.R. chapter V by adding the names of eight individuals and 41 business entities acting as fronts for the Cali or North Coast cartels and supplementary information concerning 44 individuals already on the list (64 Fed. Reg. 34984, June 30, 1999). The entries for four individuals previously listed as SDNTs were removed from appendix A because OFAC had determined that these individuals no longer meet the criteria for designation as SDNTs. These actions were part of the ongoing interagency implementation of the Order. The addition of these 41 business entities and eight individuals to appendix A (and the removal of four individuals) brought the total number of SDNTs to 496 (comprised of five principals, 195 entities, and 296 individuals) with whom financial and business dealings are prohibited and whose assets are blocked under the Order.

3. On March 29, 2000 (65 Fed. Reg. 17590, April 4, 2000), OFAC amended the appendices to 31 C.F.R. chapter V by expanding the SDNT list beyond the Cali cartel for the second time by adding the names of two of the leaders of Colombia's North Valle drug cartel, Ivan and Julio Fabio Urdinola Grajales, who have been determined to play a significant role in international narcotics trafficking centered in Colombia, and six associated businesses and two individuals acting as fronts for the North Valle cartel. Also added were 14 companies and 7 individuals that have been determined to be owned or controlled by, or to act for or on behalf of, the Cali cartel in Colombia. The entry for one individual previously listed as an SDNT was removed from appendix A because OFAC had determined that the individual no longer met the criteria for designation as an SDNT. These changes to the previous SDNT list brought it to a total of 526 businesses and individuals.

On June 1, 2000, OFAC announced the removal of two individuals previously listed as SDNTs because OFAC had determined that the two individuals no longer met the criteria for designation as SDNTs. These changes to the previous list brought it to a total of 524 businesses and individuals.

On August 18, 2000, OFAC expanded the SDNT list beyond the Cali cartel for the third time by adding the names of Arcangel de Jesus Henao Montoya, a leader of one of the most powerful drug trafficking groups that comprise Colombia's North Valle drug cartel, and Juan Carlos Ramirez Abadia, who have been determined to play a significant role in international narcotics trafficking centered in Colombia, and five associated businesses and one individual acting as fronts for the North Valle cartel. These changes to the previous SDNT list brought it to a total of 532 (comprised of nine principals, 220 entities, and 303 individuals) with whom financial and business dealings are prohibited and whose assets are blocked under the Order. The list of SDNTs now includes kingpins, associates, and businesses from Colombia's Cali, North Valle, and North Coast drug cartels. The SDNT list will continue to be expanded to include additional drug trafficking organizations centered in Colombia and their fronts.

4. OFAC has disseminated and routinely updated details of this program to the financial, securities, and international trade communities by both electronic and conventional media. In addition to bulletins to banking institutions via the Federal Reserve System and the Clearing House Interbank Payments System (CHIPS), individual notices were provided to all relevant state and federal regulatory agencies, automated

clearing houses, and state and independent banking associations across the country. OFAC contacted all major securities industry associations and regulators. It posted electronic notices on the Internet and numerous computer bulletin boards, fax-on-demand services, and provided the same material to the U.S. Embassy in Bogota for distribution to U.S. companies operating in Colombia.

5. During the reporting period, as of September 6, 2000, seven financial transactions totaling more than $203,000 were reported to OFAC as having been blocked. These funds will remain in that status pending investigation by OFAC. As of September 6, 2000, OFAC had issued 18 specific licenses pursuant to the Order since the inception of the program. These licenses were issued in accordance with established Treasury policy authorizing the completion of pre-sanctions transactions, the receipt of payment of legal fees for representation of SDNTs in proceedings within the United states arising from the imposition of sanctions, and certain administrative transactions. In addition, a license was issued to authorize a U.S. company in Colombia to make certain payments to two SDNT-owned entities in Colombia (currently under the control of the Colombian government) for services provided to the U.S. company in connection with the U.S. company's occupation of office space and business activities in Colombia.

6. The narcotics trafficking sanctions have had a significant impact on the Colombian drug cartels. SDNTs have been forced out of business or are suffering financially. Of the 220 business entities designated as SDNTs as of September 6, 2000, nearly 60, with an estimated aggregate income of more than $230 million, had been liquidated or were in the process of liquidation. Some SDNT companies have attempted to continue to operate through changes in their company names and/or corporate structures. OFAC has placed a total of 27 of these successor companies on the SDNT list under their new company names.

As a result of OFAC designations, Colombian banks have closed nearly 500 SDNT accounts, affecting more than 200 SDNTs. One of the largest SDNT commercial entities, a discount drugstore with an annual income exceeding $136 million, has been reduced to operating on a cash basis. Another large SDNT commercial entity, a supermarket with an annual income exceeding $32 million, entered liquidation in November 1998 despite changing its name to evade the sanctions. An SDNT professional soccer team was forced to reject an invitation to play in the United States, two of its directors resigned, and the team now suffers restrictions affecting its business negotiations, loans, and banking operations. An SDNT radio station has had difficulty in getting advertisers since its inclusion on the SDNT list. These specific results augment the less quantifiable but significant impact of denying the designated individuals and entities of the Colombian drug cartels access to U.S. financial and commercial facilities.

Various enforcement actions carried over from prior reporting periods are continuing and new reports of violations are being aggressively pursued. Since the last report, OFAC has collected no civil monetary penalties but is continuing to process three cases for violations of the Regulations.

7. The expenses incurred by the Federal Government in the six-month period from April 21, through October 20, 2000, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to Significant Narcotics Traffickers are estimated at approximately $570,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, and the Office of the General Counsel), the Department of Justice, and the Department of State. This data does not reflect certain costs of operations by the intelligence and law enforcement communities.

8. Executive Order 12978 provides this Administration with a tool for combating the actions of significant foreign narcotics traffickers centered in Colombia and the unparalleled violence, corruption, and harm that they cause in the United States and abroad. The Order is designed to deny these traffickers the benefit of any assets subject to the jurisdiction of the United States and the benefit of trade with the United States by preventing U.S. persons from engaging in any commercial dealings with them, their front companies, and their agents. Executive Order 12978 and its associated SDNT list demonstrate the United States' commitment to end the damage that such traffickers wreak upon society in the United States and abroad. The SDNT list will continue to be expanded to include additional Colombian drug trafficking organizations and their fronts.

The magnitude and the dimension of the problem in Colombia—perhaps the most pivotal country of all in terms of the world's cocaine trade—are extremely grave. I shall continue to exercise the powers at my disposal to apply economic sanctions against significant foreign narcotics traffickers and their violent and corrupting activities as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2812. An act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

H.R. 468. An act to establish the Saint Helens Island National Scenic Area.

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

H.R. 2442. An act to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

H.R. 3646. An act for the relief of certain Persian Gulf evacuees.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

H.R. 3679. An act to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.

H.R. 4315. An act to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the ''Larry Small Post Office Building.''

H.R. 4450. An act to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the ''Judge Harry Augustus Cole Post Office Building.''

H.R. 4451. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the ''Frederick L. Dewberry, Jr. Post Office Building.''

H.R. 4625. An act to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the ''Gertrude A. Barber Post Office Building.''

H.R. 4786. An act to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the ''Samuel P. Roberts Post Office Building.''

H.R. 4811. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4831. An act to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the ''Roberto Clemente Post Office.''

H.R. 4853. An act to redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the ''Arnold C. D'Amico Station.''

H.R. 5229. An act to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the ''Ruth Harris Coleman Post Office.''

H.R. 5273. An act to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its clerks, announced that the House has agreed to the amendments of the Senate numbered 1 and 3 to the bill (H.R. 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes; that it has disagreed to the amendments of the Senate numbered 2 and 4 to the aforesaid bill; and that it has agreed to the amendment of the Senate numbered 5 to the aforesaid bill with an amendment.

The message further announced that the House has passed the following bill, with amendments:

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2773. An act to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting and for other purposes.

At 5:39 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks,

announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvement to the certified development company program, and for other purposes.

At 6:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, and requests the concurrence of the Senate:

H.J. Res. 116. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 7:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 20, 2001, and for other purposes.

ENROLLED BILL SIGNED

At 8:35 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 116. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 26, 2000, he had presented to the President of the United States the following enrolled bills:

S. 2812. An act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11291. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions Imposed on Archaeological Material From the Prehispanic Cultures of the Republic of Nicaragua'' (RIN 1515–AC70) received on October 24, 2000; to the Committee on Finance.

EC–11292. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the ''Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 1999''; to the Committee on Foreign Relations.

EC–11293. A communication from the Acting Secretary of State, transmitting, pursuant to law, the revised strategic plan; to the Committee on Foreign Relations.

EC–11294. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''(N– (–fluorophenyl) –N– (1–mthylethyl)–2 – [[5—(trifluoromethyl) –1,3,4–thiadiazol –2–yl]oxy] acetamide; Extension of Tolerance for Emergency Exemptions'' (FRL# 6751–1) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11295. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin, Extension of Tolerance for Emergency Exemptions'' (FRL# 6750–5) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11296. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations'' (Docket# 99–038–5) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11297. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Regulations for Cotton Warehouses Regarding the Delivery of Stored Cotton'' (RIN 0560–AF13) received on October 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11298. A communication from the Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Regulations Governing the Peanut Poundage Quota and Price Support Programs'' (RIN 0560–AF61) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11299. A communication from the Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2000 Marketing Quotas and Price Support Levels for Fire–Cured (Type 21), Fire–Cured (Types 22–23), Dark Air–Cured (Types 35–36), Virginia Sun–Cured (Type 37), and Cigar–Filler and Binder (Types 42–44 and 53–55) tobaccos'' (RIN 0560–AF86) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11300. A communication from the Under Secretary of Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Lamb Industry Adjustment Assistance Program Set Aside'' (RIN 0570–AA31) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11301. A communication from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Soybean Promotion and Research: Amend the Order to Adjust Representation on the United Soybean Board'' (Docket Number: LS–00–04) received on October 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11302. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Enhanced Motor Vehicle Inspection and Maintenance Program'' (FRL# 6891–6) received on October 24, 2000; to the Committee on Environment and Public Works.

EC–11303. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; New Source Review Revision'' (FRL# 6891–9) received on October 24, 2000; to the Committee on Environment and Public Works.

EC–11304. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Antelope Valley Air Pollution Control District'' (FRL# 6893–1) received on October 24, 2000; to the Committee on Environment and Public Works.

EC–11305. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Event Reporting Requirements for Nuclear Power Reactors and Independent Spent Fuel Storage Installations at Power Reactor Sites'' (RIN 3150–AF98) received on October 24, 2000; to the Committee on Environment and Public Works.

EC–11306. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''New Dosimeter Technology: amend and revise 10 CFR Parts 34, 36, and 39'' (RIN 3150–AG21) received on October 25, 2000; to the Committee on Environment and Public Works.

EC–11307. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the report for fiscal year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11308. A communication from the Director of the Corporate Policy and Research Department, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single–Employer Plans; Allocation of Assets in Single–Employer Plans; Interest Assumption for Valuing and Paying Benefits'' received on October 25, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11309. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Duplication and electronic generation of forms'' (RIN 1115–AF66) received on October 24, 2000; to the Committee on the Judiciary.

EC–11310. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the pay-as-you-go report number 514, dated October 20, 2000; to the Committee on the Budget.

EC–11311. A communication from the Chair of the Farm Credit System Insurance Corporation, transiting, pursuant to law, a report relative to the requirements of the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–11312. A communication from the Senior Benefits Programs Planning Analyst, Western Farm Credit Bank, transmitting, pursuant to law, the 1999 annual report number 95–595; to the Committee on Governmental Affairs.

EC–11313. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Systems, Ravenwood, Missouri'' (MM Docket No. 00–109) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11314. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Upton and Pine Haven, Wyoming)'' (MM Docket No. 99–57) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11315. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations, (Grants and Milan, New Mexico)'' (MM Docket No. 99–75, RM–9446) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11316. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations, Pearsall, Texas'' (MM Docket No. 00–26) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11317. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Urbana, Illinois'' (MM Docket No. 00–76, RM–9809) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11318. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Thomasville, Georgia'' (MM Docket No. 00–98, RM–9811) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11319. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Killeen, Texas'' (MM Docket No. 00–103, RM–9878) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11320. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Jenner, California, Culver, Indiana, Lake Isabella, California, Olpe, Kansas, Covelo, California, Sterling, Colorado, Kahului, Hawaii)'' (MM Docket No. 00–33; RM–9816; MM Docket No. 00–34; RM–9817; MM Docket No. 00–35; RM–9818; MM Docket No. 00–71; RM–9852; MM Docket No. 00–72; RM–9853; MM Docket No. 00–74; RM–9862; MM Docket No. 00–75; RM–9863) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11321. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Cloverdale, Point Arena, and Cazadero, California)'' (MM Docket Nos. 99–180, 00–59, RM–9583, RM–9734 and RM–9759) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11322. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations, Charlotte, Texas'' (MM Docket No. 00–22) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11323. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations, George West, Pearsall and Victoria, TX'' (MM Docket No. 99–342) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11324. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Eastman, Vienna, Ellaville, and Byromville, Georgia)'' (MM Docket No. 00–56, RM–9839, RM–9905, RM–9906) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 876: A bill to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience (Rept. No. 106–509).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 3243. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 3244. A bill to amend title 49, United States Code, relating to the airport noise and access review program; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 3245. A bill to provide for the transfer of the Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. WELLSTONE, Mr. HOLLINGS, Mr. FEINGOLD, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3246. A bill to prohibit the importation of any textile or apparel article that is produced, manufactured, or grown in Burma; to the Committee on Finance.

By Mr. HARKIN:

S. 3247. A bill to establish a Chief Labor Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 3248. A bill to authorize the Hoosier Automobile and Truck National Heritage Trail Area; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mrs. MURRAY, Mr. FEINGOLD, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. AKAKA, Mr. LIEBERMAN, Mr. LEAHY, Mr. BAUCUS, and Mr. ROCKEFELLER):

S. 3249. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mrs. FEINSTEIN, Mr. LUGAR, Mr. SCHUMER, Mr. GORTON, Mr. JOHNSON, Mr. HELMS, Mr. ALLARD, Mr. ASHCROFT, Mr. WYDEN, Mr. TORRICELLI, Mr. DEWINE, Mr. GRAMS, Mr. ROTH, Mrs. HUTCHISON, Mr. SMITH of Oregon, Mr. BOND, Mr. DURBIN, Mr. CLELAND, Mr. GRASSLEY, Ms. COLLINS, Mr. KYL, Mr. BREAUX, Mr. LAUTENBERG, Mr. HATCH, Mr. MURKOWSKI, Mrs. LINCOLN, Ms. LANDRIEU, Mr. SPECTER, Mr. VOINOVICH, Mr. MILLER, Mr. ROBB, Mr. INHOFE, Mr. CRAPO, Mr. BUNNING, Mr. EDWARDS, Ms. MIKULSKI, Mr. LOTT, Mr. DASCHLE, Mr. REID, Mr. SANTORUM, Mr. FITZGERALD, Ms. SNOWE, Mrs. BOXER, Mr. REED, Mr. LEVIN, Mr. MCCONNELL, Mr. HAGEL, Mr. GRAMM, Mr. MOYNIHAN, Mr. KENNEDY, Mr. L. CHAFEE, Mr. CAMPBELL, and Mr. ROCKEFELLER):

S. 3250. A bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state; to the Committee on Foreign Relations.

By Mr. BIDEN:

S. 3251. A bill to authorize the Secretary of State to provide for the establishment of nonprofit entities for the Department's international educational, cultural, and arts programs; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Con. Res. 156. A concurrent resolution to make a correction in the enrollment of the bill S. 1474; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. HARKIN:

S. 3243. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL PRODUCER PROTECTION ACT OF 2000

Mr. HARKIN. Mr. President, I am introducing the Agricultural Producer Protection Act of 2000, a bill which will help ensure an open competitive agricultural marketplace. There is no issue raising more concerns in agriculture today than the rapid increase of economic concentration and vertical integration. The structure of agriculture and the entire agribusiness and food sector is being massively transformed—and the pace is accelerating. Large agribusinesses through mergers, acquisitions, and strategic alliances are controlling more and more of the production and processing of our agricultural commodities. Beyond this horizontal concentration, these large firms are relying on production and marketing contracts to hasten the trend toward vertical integration in agriculture.

According to the Department of Agriculture, the top four fed cattle packers control 80 percent of the market, while the top four pork processors control almost 60 percent of the market. In the grain industry, the top four firms control 73 percent of the wet corn milling, 71 percent of soybean milling, and 56 percent of flour milling. This conglomeration of power is limiting producers' marketing choices and adversely affecting the prices they receive. While the market basket of food has only increased by 3 percent since 1984, the farm value of that market basket has plummeted 38 percent. In fact, the farmer's share of the retail food dollar has dropped from 47 percent in 1950 to 21 percent in 1999. In addition, the farm-to-wholesale price spreads for pork increased by 52 percent and for beef by 24 percent in the past five years.

But farmers are not the only ones at risk because of the conglomeration of economic power by a few large agribusinesses and the reductions in competition. Consumers are also at risk. I liken arrangement to an hourglass, with many farmers on one side and many consumers on the other side. In the middle is a choke point with just a few large agribusiness firms. We, as consumers, should not become reliant on an every dwindling number of companies for our food.

Agribusiness is changing the way they play the game and it is becoming increasingly clear that enforcement of the antitrust and competition laws—including the Sherman Act, the Clayton Act, the Federal Trade Commission Act, and the Packers and Stockyards Act—is not enough by itself to ensure healthy competition in agriculture. Congress must step in and clarify the rules of the game before the big conglomerates push the independent producers out entirely. That is what my legislation is designed to do.

Consolidation and vertical integration in the agricultural sector is resulting in a great disparity in bargaining power and a gross inequality in economic strength between agribusinesses and producers. The impacts of this disparity are being most dramatically seen in the increased use of contracting in agriculture. I recognize that it is probably inevitable that there will be more contracting for a number of reasons. However, as recognized by several state Attorneys General who have proposed model state contract legislation, contracting with large agribusinesses pose serious problems that our current laws do not reach.

First, large companies are increasingly leveraging their economic muscle and control of market information to dictate contract terms to the detriment of producers. Large companies often offer contracts to producers on a ''take it or leave it'' basis. The company tells the farmer to sign a form contract with no opportunity to negotiate different terms and with little or no ability to take time to think about whether or not to sign the contract.

Second, large agribusinesses are transferring a disproportionate share of the economic risks to farmers through contracts. The contractual risks producers will face under a contract are usually buried in pages of legalese and fine print. Producers are often stuck with unfair contract terms they did not even know existed because of the lack of opportunity to consult with an attorney or an accountant.

Third, increasing use of contracts threatens market transparency. Prevailing prices for agricultural commodities have traditionally been readily available through public transactions. The use of strict confidentiality clauses in contracts veil transactions in secrecy. These clauses prohibit farmers from comparing contracts and negotiating for a fair deal. Farmers are often prohibited from discussing their deals with other producers, let alone with a financial or market advisor, an attorney, or an accountant.

Fourth, once a producer enters into a contractual relationship with a company there is virtually no realistic protection from unfair practices, abuses, or retaliation. Most production contracts require producers to make substantial long term capital investments in buildings and equipment prior to ever getting a contract. Once a producer makes the financial commitment, they are offered short term contracts that must be continually renewed. Because of these financial obligations, producers often have no other alternative than to sign whatever contract is offered to them. This situation not only makes it easier for a company to retaliate against those who try to speak up for their rights but also eliminates virtually any bargaining power the producer may have had. They often have no other alternative than to take a contract which further exploits them with unfair terms and which further shifts the economic risks to producers. In addition, if a producer has to litigate individually against an agribusiness conglomerate it is very expensive and they are at a huge disadvantage.

The Agricultural Producer Protection Act of 2000 provides reasonable oversight of agricultural contracting that will address these problems and promote fair, equitable, and competitive markets in agriculture. The Act would: (1) require contracts to be written in plain language and disclose risks to producers; (2) provide contract producers three days to review and cancel production contracts; (3) prohibit confidentiality clauses in contracts; (4) provide producers with a first-priority lien for payments due under contracts; (5) prohibit producers from having contracts terminated out of retaliation; and (6) make it an unfair practice for processors to retaliate or discriminate against producers who exercise rights under the Act.

My legislation also recognizes that there must be a balance between providing oversight of contracting and addressing the root of the problem—the growing disparity in bargaining power between large agribusinesses and independent producers. Independent farmers can compete and thrive if the competition is based on productive efficiency and delivering abundant supplies of quality products at reasonable prices. But no matter how efficient farmers are, they cannot survive a contest based on who wields the most economic power.

Because of the increased levels of concentration and vertical integration in agriculture, it is imperative that Congress facilitate a more competitive and balanced marketplace for negotiations between large agribusinesses and producers. The Agricultural Producer Protection Act of 2000 provides farmers with the tools necessary to bargain more effectively with large agribusiness conglomerates for fair and truly competitive prices for the commodities they grow.

Congress passed the Agricultural Fair Practices Act of 1967 to ensure that farmers could join together to market their commodities without fear of interference or retribution from processors. Unfortunately, the law has several weaknesses which prevent it from truly helping producers generate enough market power to bargain effectively with large processors. The law: (1) does not require that processors bargain with association members; (2) contains a loophole allowing agribusinesses to refuse to bargain with producers for any reason besides belonging to an association, which makes it much easier to manufacture an excuse for why they refuse to deal with association members; and (3) does not give the Secretary of Agriculture authority to impose penalties for violations of the Act, which greatly reduces the incentive for processors to obey the law.

My legislation addresses these shortcomings. The Agricultural Producer Protection Act of 2000 sets up a procedure where farmers can voluntarily

form an association of producers and petition to the Secretary to become accredited. Once accredited, agribusinesses are required to bargain in good faith with the association of producers. This requirement will help producers organize in order to negotiate fairly and effectively on the price and marketing terms for their commodities. In addition, my legislation gives the Secretary increased investigative and enforcement authority to ensure that these large processors follow the law.

Finally, my legislation amends the Packers and Stockyards Act of 2000 to give the Secretary administrative enforcement authority to stop unfair practices in the poultry industry. Unlike the livestock industry, the Secretary does not currently have authority to take administrative actions, including holding hearings and assessing civil and criminal penalties for violations of the Packers and Stockyards Act in the poultry industry. My legislation addresses this discrepancy and responds to the Administration's repeated requests for this authority.

Unfortunately, current law has resulted in little being done to stop the rapid consolidation and vertical integration in agriculture which is threatening both farmers and consumers. We must address this trend now before it builds more momentum, making independent farmers a footnote in the history books and putting consumers at the mercy of large agribusiness companies.

My legislation attacks the problems resulting from agribusiness concentration and vertical integration in two very fundamental ways. First, it provides reasonable oversight of contracting practices in order to stop the current inequalities and unfair practices farmers are facing due to the lack of bargaining power. But, I also recognize that we must address the increasing disparity in bargaining power head on. My legislation gives producers the tools necessary to enhance their bargaining position in order to negotiate fairly and equitably on the price and marketing terms for their commodities. I believe both must be done in order to ensure a fair, open agricultural marketplace.

Mr. HARKIN (for himself, Mr. LEAHY, Mr. WELLSTONE, Mr. HOLLINGS, Mr. FEINGOLD, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3246. A bill to prohibit the importation of any textile or apparel article that is produced, manufactured, or grown in Burma; to the Committee on Finance.

BURMA APPAREL AND TEXTILE IMPORT BAN BILL

Mr. HARKIN. Mr. President, while we are encouraged by democratic gains in Serbia, the people of Burma continue to suffer at the hands of the world's most brutal military dictatorship—a regime which, perversely, calls itself the State Peace and Development Council (SPDC). Now more than ever, as a nation committed to democracy, freedom, and universal human and worker rights, America must dissociate itself from Burma's repressive regime. We must do all we can to deny any material support to the military dictators who rule that country with an iron fist. Amidst the most recent crackdown on pro-democracy forces launched in mid-August, we must demonstrate anew to the Burmese people our recognition of their nightmarish plight and our support for their noble struggle to achieve democratic governance.

A few yeas ago, Congress enacted some sanctions and President Clinton issued an Executive Order in response to a prolonged pattern of egregious human rights violations in Burma. At the heart of those measures is the existing prohibition on U.S. private companies making new investments in Burma's infrastructure. Pre-1997 investments were not affected.

Nevertheless, the ruling military junta in Burma has hung on to power and continues to blatantly violate internationally-recognized human and worker rights. The most recent State Department Human Rights Country Report on Burma cites ''credible reports that Burmese Army soldiers have committed rape, forced porterage, and extrajudicial killing.'' It mentions arbitrary arrests and the detention of at least 1300 political prisoners.

Human Rights Watch/Asia reports that children from ethnic minorities are forced to work under inhumane conditions for the Burmese Army, deprived of adequate medical care and sometimes dying from beatings.

The UN Special Rapporteur on Burma, just released a chilling and alarming account which puts the number of child soldiers at 50,000—the highest in the world. Sadly, the children most vulnerable to recruitment into the military are orphans, street children, and the children of ethnic minorities.

The same UN report also discussed how minorities in Burma continue to be the targets of violence. It deals vicious human rights violations aimed at minorities including extortion, rape, torture and other forms of physical abuse, forced labor, ''portering'', arbitrary arrests, long-term imprisonment, forcible relocation, and in some cases, extrajudicial executions. It also cites reports of massacres in the Shan state in the months of January, February and May of this year.

A 1998 International Labor Organization Commission of Inquiry has determined that forced labor in Burma is practiced in a ''widespread and systematic manner, with total disregard for the human dignity, safety, health and basic needs of the people.''

In one recent high-profile court case, California District Court Judge Ronald Lew found ''ample evidence in the record linking the Burmese Government's use of forced labor to human rights abuses.''

In sum, gross violations of human rights and systematic labor repression inside Burma go on and on, outside the purview of CNN and the rest of the international media.

But despite the onslaught of the Burmese military regime and their vow to destroy the National League for Democracy (NLD) by the end of this year. Aung San Suu Kyi, a remarkably courageous leader, stands steadfast—like a living Statue of Liberty—in her work with the Burmese people for democracy. We must never forget that she and her NLD colleagues won 392 of 485 seats in a democratic election held in 1990. But they have never been allowed to take office.

Still, Aung San Suu Kyi—the 1991 Nobel Peace Prize winner—and countless others are denied freedom of association, speech and movement on a daily basis. During the past two and a half months, she has come under renewed threats and intimidation. Last August, her vehicle was forced off the road by Burmese security forces when she tried to travel outside Rangoon to meet with her NLD colleagues. She sat in her car on the roadside for a week until a midnight raid of 200 riot police forced her back to her home and placed her under house arrest until September 14, 2000. Nevertheless, she tried again on September 21st, but she was prevented from boarding a train. The latest pathetic excuse from the authorities for abridging her freedom to travel within Burma on that occasion, was that all tickets had been sold out.

Mr. President, we must answer anew the cry of the Burmese people and their courageous leaders. That is why I wrote to President Clinton on September 12th and I ask that my letter be included in the RECORD at this time. In that letter, I spelled out in detail all of the reasons why a ban on apparel and textile imports from Burma makes good sense. As yet, I don't have a formal reply from the White House.

Accordingly, I am introducing legislation today with Senators LEAHY, WELLSTONE, HOLLINGS, FEINGOLD, LAUTENBERG, and SCHUMER to ban soaring imports of apparel and textiles from Burma. I am pleased that U.S. Congressman TOM LANTOS from California is introducing the companion bill in the U.S. House of Representatives at the same time.

Most Americans think that a trade ban with Burma already exists. This is simply not true.

In fact, imports of apparel and textiles from Burma are increasing, sending hundreds of millions of US dollars straight into the coffers of the Burmese military dictatorship. These ruthless military dictators and their drug-trafficking cohorts are spending this hard currency to purchase more guns and to buy loyalty among their troops to continue their policy of repression and cruelty.

According to the National Labor Committee, U.S. apparel imports from Burma between 1995 and 1999 increased

by 272%. The World Trade Atlas shows that in just one year (1998–1999), apparel imports more than doubled, dramatically rising from $61 million to $131 million. In particular, knit and woven apparel accounted for over 80% of US imports from Burma during 1999.

In other words, every time American consumers buy travel and sports bags, women's underwear, jumpers, shorts, tank tops and towels made in the Burmese gulag, they are unwittingly helping to sustain and tighten the repressive military junta's grip on power.

US apparel imports from Burma provide the SPDC with critically-needed hard currency because the military dictators directly own or have taken de facto control of production in many apparel and textile factories. They profit even more from a 5% export tax. As I said earlier, this hard currency is used to buy new weapons and ammunition from China and elsewhere, thus underwriting the perpetuation of modern-day slavery, forced labor and forced child labor in Burma.

But you don't have to take my word for it. At a recent news conference in Washington, DC, U Maung Maung, the General Secretary of the Federation of Trade Unions in Burma stated that ''the practice of purchasing garments made in Burma extends the continued exploitation of my people, including the use of slave labor by the regime, by further delaying the return of democratic government in Burma.'' At grave personal risk, he and other NLD leaders have disclosed that apparel and textile exports to America and other foreign markets are increasingly important in helping sustain the Burmese military junta in power.

Some may ask whether a ban on Burmese apparel and textile imports might harm American companies and consumers. Nothing could be further from the truth. Currently, U.S. apparel and textile imports from Burma account for less than one-half of one percent of total US apparel and textile imports.

Other may assert that enactment of this legislation would violate WTO rules. But if and when the Government of Burma should file a WTO complaint, I don't think we should shy away from such a case. It would present the opportunity to argue the view that WTO member nations should have the right, at a minimum, to enact laws to block imports of products made by forced labor or in flagrant violation of other internationally-recognized worker rights. In effect, if national governments cannot take a stand against trafficking in products made with forced labor in international trade, then under what human rights conditions or by what standards of civility will it ever be possible in the WTO system?

Mr. President, America must take a stronger stand in solidarity with the Burmese people and in defense of universal human rights and worker rights in that besieged nation. Banning apparel and textile imports from Burma reflects the belief of the American people that increased trade with foreign countries must promote respect for human rights and worker rights as well as property rights.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 12, 2000.

Hon. WILLIAM J. CLINTON,
President, Office of the White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to express concern that developments in trade between the U.S. and Burma may be strengthening the Burmese military junta. To support the duly-elected democratic government of Burma and promote internationally recognized human and worker rights, and to remedy this inconsistency in U.S. policy toward Burma, a ban on U.S.-Burmese trade in apparel seems warranted.

Since the U.S. instituted a ban on new investment in Burma at your initiative in May, 1997, little has changed. The authoritarian regime continues to actively violate human rights and tacitly condone narcotrafficking. A 1998 International Labor Organization (ILO) Commission of Inquiry detailed the military's ''widespread and systematic'' use of forced labor (Attachment 1). The most recent State Department Human Rights Country Report on Burma also addresses forced labor practices and other human rights violations; according to the Report, in March 2000, about 1300 political prisoners remained in detention (Attachment 2). Democratically-elected Aung San Suu Kyi and eight other leaders of the National League for Democracy have been confined to their homes since this Saturday, September 2, in yet another standoff with the State Peace and Development Council (SPDC). Furthermore, Burma continues to be the world's second leading producer of opium (Attachment 2).

I am concerned that allowing rapidly increasing apparel imports from Burma by U.S. importers implicitly supports the SPDC and may undermine the effects of divestment. Between 1995 and 1999, Burmese apparel imports by the U.S. skyrocketed by 272% and the trend continues (Attachment 8). Compared with last year's data, apparel imports rose 121% in the first five months of 2000 alone (Attachment 9). As U.S. apparel companies attracted by low production costs increase their apparel orders, critically-needed hard currency earnings in the form of U.S. dollars flow in ever-greater amounts into the coffers of the Burmese military. This revenue is spent on arms from China and elsewhere, further oppressing the Burmese people. We cannot ignore the impact that our dollars are having on the human rights and core labor standards of the people of Burma. Furthermore, a ban on apparel imports would not significantly hurt U.S. businesses or consumers, since Burma accounts for only 0.46% of U.S. apparel imports (Attachment 10).

As Burma's economy continues to deteriorate, the apparel industry serves as a valuable lifeline for the SPDC. Both labor and human rights organizations, and prominent leaders of the democratic Burmese government in exile, have emphasized the connection between apparel and Burma's military (Attachment 3 and 4). U Bo Hla Tint, Minister for North and South American Affairs of the National Coalition Government for the Union of Burma, stated in a recent press conference that ''it is the Burmese military that directly owns most of the garment and textile manufacturing facilities in Burma'' (Attachment 5). Furthermore, U Muang Muang, the General Secretary of the Federation of Trade Unions of Burma and the President of the Burma Institute for Democracy and Development, argued in a recent speech that ''the military regime and Burma's drug lords control most commercial activities in Burma and this is especially true of the garment and textile industry. By purchasing garments made in Burma, American companies are directly enriching and strengthening those most brutal and un-democratic elements in Burma that continue to oppress the people'' (Attachment 6). Not only does the SPDC benefit from direct ownership of apparel factories, but also from an export tax of 5% on all apparel leaving Burma (Attachment 7). We should act to curb this significant source of hard currency earnings to the SPDC.

A ban on apparel imports from Burma would further demonstrate U.S. opposition to the Burmese military junta and reinforce our commitment to universal human rights and internationally recognized worker rights. In addition, cutting back revenue for the SPDC may help lead to a more rapid demise of that brutal military regime and allow Aung San Suu Kyi and her National League for Democracy to assume their positions of power in a duly-elected democratic government.

I look forward to your reply. Thank you for your attention and thoughtful consideration of my concerns and proposal for a complete ban on apparel imports from Burma.

With best regards.

TOM HARKIN,
U.S. Senator.

Mr. HARKIN:

S. 3247. A bill to establish a Chief Labor Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

LEGISLATION TO ESTABLISH A CHIEF LABOR NEGOTIATOR

Mr. HARKIN. Mr. President, I am also introducing legislation today that would ensure working men and women the representation they deserve in future trade negotiations.

The Trade and Labor Negotiation Fairness Act would create a new, Presidentially-appointed and Senate-confirmed position of Chief Labor Negotiator at the United States Trade Representative's USTR office. The Chief Labor Negotiator would represent the interests of workers during trade negotiations.

Nearly three years ago, farmers and others in the U.S. agriculture sector felt they needed stronger representation and greater attention by USTR. So I called for the creation of a new position at USTR having ambassadorial rank and devoted solely to representing the U.S. in agricultural trade matters. I met with Ambassador Barshefsky and pursued my proposal in the Administration. Peter Scher was appointed early in 1997 to the new USTR position and was succeeded by Greg Frazier. Both of them have done a good job representing U.S. farmers and our agriculture sector.

Earlier this year, in the Trade and Development Act of 2000, Congress specified in statute that USTR shall

have a Chief Agricultural Negotiator. That position will exist regardless of who is in the White House or USTR. This position would have equal status to that of the Chief Agricultural Negotiator at USTR.

Why do we need a Chief Labor Negotiator at USTR? Because the crucial role that worker rights play in the global economy has been ignored for too long. Enforceable labor standards have been left out of the trade agreements the U.S. has negotiated.

U.S. working men and women are placed at a disadvantage by this unfair competition. If this trend continues, U.S.-based companies will face continuing pressure to lower their standards to compete in the global economy.

The result will be depressed wages, fewer benefits, unsafe working conditions for American workers, and little or no improvement in other countries.

We need to use trade negotiations to raise standards around the world—not drag down standards here at home. We must ensure that labor rights are a key consideration in future trade negotiations and an integral part of future trade agreements. The Chief Labor Negotiator's primary job would be to make this happen by ensuring that the interests of workers are represented in future trade negotiations.

I've heard the argument that other countries don't want to talk about labor rights in trade discussions. USTR needs to take the lead and insist labor standards are an essential part of future trade negotiations. Our own economy and the well being of our families depend on it. And if trade is truly going to improve living standards around the world, it is essential that labor standards are included in future trade agreements.

USTR needs someone who represents workers' interests—not on the sidelines, but in the room during discussion of future trade agreements. Because the Chief Labor Negotiator at USTR will have ambassadorial rank, that person will be able to meet with the highest-level trade officials of other countries—and to insist that labor standards are on the table and are included in future agreements.

Vice President GORE recognizes that. He has repeatedly said that as President, he would work to ensure workers' rights are included in future trade agreements. Establishing a Chief Labor Negotiator position at USTR would help him and future Presidents keep that commitment.

I urge my colleagues to review this bill over the coming weeks because I will be re-introducing it next year with the hope of getting it passed in the Senate and signed into law.

Mr. HARKIN (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mrs. MURRAY, Mr. FEINGOLD, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. AKAKA, Mr. LIEBERMAN, Mr. LEAHY, Mr. BAUCUS, and Mr. ROCKEFELLER):

S. 3249. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

WORKPLACE FAIRNESS ACT—STRIKER REPLACEMENT

Mr. HARKIN. Mr. President, I along with 15 of my colleagues are introducing a bill today that addresses an issue we haven't talked enough about in the Senate in recent years—but it's a critically important issue that we cannot continue to ignore.

I am talking about workers rights—specifically the erosion of a worker's fundamental right to strike, to protect that right.

Today, we are introducing the Workplace Fairness Act. This may sound familiar to many of my colleagues here in the Senate. It was a bill my good friend and former colleague Senator Howard Metzenbaum from Ohio introduced in the 102d and 103d Congress.

The Workplace Fairness Act would amend the National Labor Relations Act and the Railway Labor Act by prohibiting employers from hiring permanent replacement workers during a strike. It would also make it an unfair labor practice for an employer to refuse to allow a striking worker who has made an unconditional offer to return to go back to work.

Why do we need this legislation?

Because right now, a right to strike is a right to be permanently replaced—to lose your job. Every cut-rate, cut-throat employer knows they can break a union if they are willing to play hardball and ruin the lives of the people who have made their company what it is. In my own state of Iowa—Titan Tire Company out of Des Moines, is trying to drive out the union workers with permanent replacements—the union has been on strike for two and a half years now.

Over the past two decades, workers' right to strike has too often been undermined by the destructive practice of hiring permanent replacement workers. Since the 1980s, permanent replacements have been used again and again to break unions and to shift the balance between workers and management.

Titan Tire just outside is just one of many examples.

On May 1, 1998, the 650 members of the United Steelworkers of America, Local 164, who work in Des Moines Titan Tire plant, were forced into an Unfair Labor Practice Strike.

During the contract negotiations preceding this strike, Titan International Inc. President and CEO, Morry Taylor, attempted to eliminate pension and medical benefits and illegally move jobs and equipment out of the plant. He also forced employees to work excessive mandatory overtime, sometimes working people as many as 26 days in a row without a day off.

Well, the membership decided that Titan's final offer was impossible to accept, and they voted to strike. Two months later, in July, 1998, Titan began hiring permanent replacement workers.

During the past two and a half years, approximately 500 permanent replacement workers have been hired at the Des Moines plant. And little or no progress has been made toward reaching a fair settlement. In fact, on April 30, 2000, the day before the second anniversary of the Titan strike, Morrie Taylor predicted that the strike would never be settled.

Workers deserve better than this. Workers aren't disposable assets that can be thrown away when labor disputes arise.

When we considered this legislation in 1994, the Senator Labor and Human Resources Committee heard poignant testimony about the emotional and financial hardships caused by hiring permanent replacement workers. We heard about workers losing their homes; going without health insurance because of the high costs of COBRA coverage; feeling useless when they were permanently replaced after years of loyal service.

The right to strike—which we all know is a last resort since no worker takes the financial risk of a strike lightly—is fundamental to preserving workers' right to bargain for better wages and better working conditions. Without the right to strike, workers forego their fair share of bargaining power.

Permanent striker replacement not only affects the workers who were replaced. It affects other workers in competing companies. When one employer in an industry breaks a union, hires permanent replacements, and cuts salaries and benefits, it affects all the other companies in the industry. Now they either have to find a way to compete with the low-wages and shoddy benefits of a cut-rate, cut-throat business—or they have to follow suit.

Also, workers faced with being replaced are forced to make a choice. They can either stay with the union and fight for their jobs, or they can cross the picket line to avoid losing the job they've held for ten or twenty or thirty years.

Is this a free choice, as some of our colleagues would suggest? Or is this blackmail that takes away the rights and the dignity of the workers of this country? What does it mean to tell workers, ''you have the right to strike''—when we allow them to be summarily fired for exercising that right?

In reality, there is no legal right to strike today. And because there is no legal right to strike, there is no legal right to bargain collectively. And since there is no legal right to bargain collectively, there is no level playing field between workers and management.

In other words, Management gets to say that you must bargain on their terms—or find some other place to work. If you're permanently replaced,

that means you're out of work; you lose all your pension rights; you lose your seniority; you lose your job forever.

How did this happen? We've got to go back to the 1930's for the answer.

In response to widespread worker abuses—and union busting—Congress passed the National Labor Relations Act—the Wagner Act—in 1935 and it was signed into law by President Roosevelt. The Wagner Act guarantees workers the right to organize and bargain collectively and strike if necessary. It makes it illegal for companies to interfere with these rights. In fact, it specifies the right to strike and states: 'Nothing in this act—except as specifically provided herein—shall be construed so as to interfere with or impede or diminish in any way the right to strike.'

In 1938, the Supreme Court dealt the Wagner Act a mortal blow in the case *National Labor Relations Board (NLRB) versus Mackay Radio and Telegraph Co.* In that case, the Court said that Mackay Radio could hire permanent replacement workers for those engaged in an economic strike.

There are two types of strikes: economic and unfair labor practices. Employers must rehire employees in unfair labor practice strikes. The NLRB determines if the strike is economic or based on unfair labor practices. Union cannot know in advance whether NLRB will rule that their employer has engaged in unfair labor practices. So any employee participating in a strike runs a risk of permanently losing his or her job.

What's interesting is that following the Court's ruling, companies did not take advantage of this loophole until the 1980s. Before then, they recognized that doing that would upset this level playing field. For almost 40 years, management rarely hired permanent replacements.

That began to change in the 1980s. Since then, hiring permanent replacements has become a routine practice to break unions and shift the balance between workers and management.

Again Mr. President, the Workplace Fairness Act would restore the fundamental principle of fair labor-management relations—the right of workers to strike without having to fear losing their jobs.

Permanent striker replacement keeps us from moving forward as a nation into an era of high-wage, high-skilled, highly productive jobs in the global marketplace. Without the right to strike, workers' rights will continue to erode. The result will be fewer incentives and less motivation to produce good work, and companies will also suffer with less quality in their products.

Obviously, Mr. President, this legislation won't be adopted this year. But we are introducing it today to begin the debate and to signal our intent on raising it and other fundamental labor law reforms in the next session of Congress. Its time for us to level the playing field for hard-working Americans.

Mr. BIDEN:

S. 3251. A bill to authorize the Secretary of State to provide for the establishment of nonprofit entities for the Department's international educational, cultural, and arts programs; to the Committee on Foreign Relations.

ASSISTANCE FOR INTERNATIONAL EDUCATIONAL, CULTURAL, AND ARTS PROGRAMS OF THE DEPARTMENT OF STATE

Mr. BIDEN. Mr. President, I introduce legislation which would authorize the establishment of nonprofit entities to provide grants and other assistance for international educational, cultural and arts programs through the Department of State. This is an initiative I have discussed with officials of the Department of State and introduce today to initiate discussion on how to best stimulate a vibrant exchange of international educational, cultural and arts programs.

We are in a era in which cultural issues are increasingly central to international issues and diplomacy. Trade disputes, ethnic and regional conflicts and issues such as biotechnology all have cultural and intellectual underpinnings.

Cultural programs are increasingly necessary to promoting international understanding and achieving U.S. national objectives. American multinational companies and other Americans doing business overseas welcome opportunities to show their support for the unique cultures of nations in which they do business, as well as their interest in telling the story of America's diversity in other countries.

One way they could do this is by helping to sponsor cultural exchange programs arranged through the Department of State. The problem is that there is apparently no clear easy way to do that—no point of contact for corporations or others interested in supporting cultural diplomacy—no clear avenues to assist cultural programs supported by our government. There also are concerns about possible conflicts of interest. Moreover, many people in our own government are uncertain whether they should engage in presenting the creative, intellectual and cultural side of our nation.

Under this legislation Congress would authorize the establishment of private nonprofit organizations for the support of international cultural programs, making it both easy and attractive for private organizations to support cultural programs in cooperation with the Department of State. In so doing, we would affirm support for the promotion and presentation of the nation's intellectual and creative best as part of American diplomacy.

This initiative would support a broad range of cultural exchange programs—projects that send Americans abroad and that bring people from other countries to the United States. Its priority would be to support the organization and promotion of major, high-profile presentations of art exhibitions, musical and theatrical performances which represent the finest quality of creativity our nation produces. These should be presentations that reach large numbers of people, which contribute to achieving our national interests and which represent the diversity of American culture.

There would be authority to solicit support for specific cultural endeavors, offering individuals, foundations, multinationals corporations and other American businesses engaged overseas the opportunity to publicly support cross-cultural understanding in countries where they do business.

The nonprofit entity would work with the Bureau of Educational and Cultural Affairs as well as the Under Secretary for Public Diplomacy and Public Affairs at the Department of State.

Mr. President, that is the overall purpose of this legislation. I am sure we will be able to improve on how to encourage a vibrant exchange of cultural programs, and I welcome suggestions on how best to do that. It is for that purpose that I introduce this legislation at the end of this Congress, with the intention of reintroducing it next year with the benefit of those suggestions.

I ask consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. FINDINGS.

The Congress makes the following findings:

(1) It is in the national interest of the United States to promote mutual understanding between the people of the United States and other nations.

(2) Among the means to be used in achieving this objective are a wide range of international educational and cultural exchange programs, including the J. William Fulbright Educational Exchange Program and the International Visitors Program.

(3) Cultural diplomacy, especially the presentation abroad of the finest of America's creative, visual and performing arts, is an especially effective means of advancing the U.S. national interest.

(4) The financial support available for international cultural and scholarly exchanges has declined by approximately 10 per cent in recent years.

(5) Funds appropriated for the purpose of ensuring that the excellence, diversity and vitality of the arts in the United States are presented to foreign audiences by and in cooperation with our diplomatic and consular representatives have declined dramatically.

(6) One of the ways to deepen and expand cultural and educational exchange programs is through the establishment of nonprofit entities to encourage the participation and financial support of multinational companies and other private sector contributors.

(7) The U.S. private sector should be encouraged to cooperate closely with the Secretary of State and her representatives to expand and spread appreciation of U.S. cultural and artistic accomplishments.

SEC. 2. AUTHORITY TO ESTABLISH NONPROFIT ENTITIES.

Section 105(f) of the Mutual Educational and Cultural Exchange Act of 1961, as amended, (22 U.S.C. 2255(f)) is further amended—

(1) by inserting ''(1)'' after ''(f)''; and by adding at the end the following new paragraphs:

(2) The Secretary of State is authorized to provide for the establishment of private, nonprofit entities to assist in carrying out the purposes of the Act. Any such entity shall not be considered an agency or instrumentality of the United States government, nor shall its employees be considered employees of the United States government for any purposes.

(3) The entities may, among other functions, (a) encourage participation and support by U.S. multinational companies and other elements of the private sector for cultural, arts and educational exchange programs, including those programs that will enhance international appreciation of America's cultural and artistic accomplishments; (b) solicit and receive contributions from the private sector to support these cultural arts and educational exchange programs; and (c) provide grants and other assistance for these programs.

(4) The Secretary of State is authorized to make such arrangements as are necessary to carry out the purposes of these entities, including the solicitation and receipt of funds for the entity; designation of a program in recognition of such contributions; and designation of members, including employees of the U.S. government, on any board or other body established to administer the entity.

(5) Any funds available to the Department of State may be made available to such entities to cover administrative and other costs for their establishment. Any such entity is authorized to invest any amounts provided to it by the Department of State, and such amounts, as well as any interest or earnings on such amounts, may be used by the entity to carry out its purposes.

ADDITIONAL COSPONSORS

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2789

At the request of Mr. COCHRAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2789, a bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 3139

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 3139, a bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien

S. 3147

At the request of Mr. ROBB, the names of the Senator from Ohio (Mr . VOINOVICH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3181

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

At the request of Mr. HAGEL, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3181, supra.

S. 3183

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. CON. RES. 153

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Con. Res. 153, a concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes.

SENATE CONCURRENT RESOLUTION 156—TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL S. 1474

Mr. MURKOWSKI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 156

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1474) providing for the conveyance of the Palmetto Bend project to the State of Texas, the Secretary of the Senate shall make the following correction:

In section 7(a), insert ''not'' after ''shall''.

AMENDMENTS SUBMITTED

OLDER AMERICANS AMENDMENTS OF 1999

GREGG AMENDMENT NO. 4343

Mr. GREGG proposed an amendment to the bill (H.R. 782) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003; as follows:

Beginning on page 151, strike line 1 through line 23, page 153, and insert the following:

''(d) RESPONSIBILITY TESTS.—

''(1) IN GENERAL.—Before final selection of a grantee, the Secretary shall make an assessment of the applicant agency or State's overall responsibility to administer Federal funds.

''(2) REVIEW.—

''(A) IN GENERAL.—As part of the assessment described in paragraph (1), the Secretary shall conduct a review of the available records to assess the applicant agency or State's proven ability and history with regard to the management of other grants, including Department of Labor grants, and may consider any other information.

''(B) EXISTING GRANTEES.—As part of the assessment described in paragraph (1), any applicant agency or State who in the prior year received funds under this title shall be assessed in accordance with subparagraph (A), and particular consideration shall be given to such agency or State's proven ability to manage funds under this title.

''(C) TIME FOR REVIEW.—The Secretary shall conduct the review described in this paragraph in a timely manner to ensure that, if such agency or State is determined to be not responsible and ineligible as a grantee, any competition of funds from such agency or State who in the prior year received funds under this title will be accomplished without disruption to any employment of older individuals provided under this title. Such competition shall be performed in accordance with paragraph (7).

''(3) FAILURE TO SATISFY TEST.—The failure to satisfy any 1 responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A), (B), and (C) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).

''(4) TEST.—The responsibility test shall include the following factors:

''(A) Efforts by the Secretary to recover debts, after 3 demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approved repayment plan.

''(B) Established fraud or criminal activity of a significant nature within the organization.

''(C) Established misuse of funds, including the use of funds to lobby or litigate against any Federal entity or official or to provide compensation for any lobbying or litigation activity identified by the Secretary, independent Inspector General audits, or other official inquiries or investigations by the Federal Government.

''(D) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.

''(E) Willful obstruction of the audit process.

''(F) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

''(G) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

''(H) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.

''(I) Failure to submit required reports.

''(J) Failure to properly report and dispose of government property as instructed by the Secretary.

''(K) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

''(L) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A–133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

''(M) Failure to audit a subrecipient within the required period.

''(N) Final disallowed costs in excess of 2 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious findings.

''(O) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

''(5) DETERMINATION.—Applicants that are determined to be not responsible under paragraph (4), shall not be selected as a grantee, and shall not receive a grant, or be allowed to enter into a contract, to provide goods, services, or employment with funds made available under this title.

''(6) AUTHORITY TO BAR PROVIDERS.—If, after notice and an opportunity for a hearing, the Secretary determines that an applicant agency or State who in the prior year received funds under this title, is not responsible under paragraph (4), and that funds expended under such title by a recipient of a grant, directly or indirectly, by a grant to or contract with a provider to provide employment for older individuals, have not been expended in compliance with this title or a regulation issued to carry out this title, then the Secretary shall issue an order barring such provider, for a period not to exceed 5 years as specified in such order, from receiving a grant, or entering into a contract, to provide goods, services, or employment with funds made available under this title.

''(7) COMPETITION FOR FUNDS.—

''(A) IN GENERAL.—In the case of an applicant agency or State, who has in the prior year received funds under this title, and who has been determined to be not responsible under paragraph (4), the Secretary shall establish procedures to conduct a competition for the funds to carry out such project among any and all eligible entities that meet the responsibility test under paragraph (4), except that any existing grantee that is the subject of the corrective action under subsection (e) shall not be eligible to compete for such funds.

''(B) USE OF FUNDS.—The eligible applicant or State that receives the grant through the competition shall continue service to the geographic areas formerly served by the grantee that previously received the grant.

''(8) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

''(9) ADDITIONAL AUDITS.—With respect to unspent funds under this title that are returned to the Department of Labor at the end of the program year, the Secretary may use such funds (not to exceed $1,000,000 annually) to provide for additional auditing and oversight activities of grantees receiving funds under this title.

SMITHSONIAN ASTROPHYSICAL OBSERVATORY SUBMILLIMETER ARRAY LEGISLATION

FRIST (AND OTHERS) AMENDMENT NO. 4344

Mr. JEFFORDS (for Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. ENZI, Mr. HARKIN, Mr. HUTCHINSON, Ms. MIKULSKI, Ms. COLLINS, Mr. WELLSTONE, Mrs. MURRAY, Mr. GORTON, and Mr. GRAHAM)) proposed an amendment to the bill (S. 2498) to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Public Health Improvement Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

SEC. 101. SHORT TITLE.

This title may be cited as the ''Public Health Threats and Emergencies Act''.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by striking section 319 and inserting the following:

''SEC. 319. PUBLIC HEALTH EMERGENCIES.

''(a) EMERGENCIES.—If the Secretary determines, after consultation with such public health officials as may be necessary, that—

''(1) a disease or disorder presents a public health emergency; or

''(2) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists,

the Secretary may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder as described in paragraphs (1) and (2).

''(b) PUBLIC HEALTH EMERGENCY FUND.—

''(1) IN GENERAL.—There is established in the Treasury a fund to be designated as the 'Public Health Emergency Fund' to be made available to the Secretary without fiscal year limitation to carry out subsection (a) only if a public health emergency has been declared by the Secretary under such subsection. There is authorized to be appropriated to the Fund such sums as may be necessary.

''(2) REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report describing—

''(A) the expenditures made from the Public Health Emergency Fund in such fiscal year; and

''(B) each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which was conducted or supported by expenditures from the Fund.

''(c) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

"SEC. 319A. NATIONAL NEEDS TO COMBAT THREATS TO PUBLIC HEALTH.

''(a) CAPACITIES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, and such Administrators, Directors, or Commissioners, as may be appropriate, and in collaboration with State and local health officials, shall establish reasonable capacities that are appropriate for national, State, and local public health systems and the personnel or work forces of such systems. Such capacities shall be revised every 10 years, or more frequently as the Secretary determines to be necessary.

''(2) BASIS.—The capacities established under paragraph (1) shall improve, enhance or expand the capacity of national, state and local public health agencies to detect and respond effectively to significant public health threats, including major outbreaks of infectious disease, pathogens resistant to antimicrobial agents and acts of bioterrorism. Such capacities may include the capacity to—

''(A) recognize the clinical signs and epidemiological characteristic of significant outbreaks of infectious disease;

''(B) identify disease-causing pathogens rapidly and accurately;

''(C) develop and implement plans to provide medical care for persons infected with disease-causing agents and to provide preventive care as needed for individuals likely to be exposed to disease-causing agents;

''(D) communicate information relevant to significant public health threats rapidly to local, State and national health agencies, and health care providers; or

''(E) develop or implement policies to prevent the spread of infectious disease or antimicrobial resistance.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States to assist such States in fulfilling the requirements of this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

"SEC. 319B. ASSESSMENT OF PUBLIC HEALTH NEEDS.

''(a) PROGRAM AUTHORIZED.—Not later than 1 year after the date of enactment of this section and every 10 years thereafter, the Secretary shall award grants to States, or consortia of 2 or more States or political subdivisions of States, to perform, in collaboration with local public health agencies, an evaluation to determine the extent to which the States or local public health agencies can achieve the capacities applicable to State and local public health agencies described in subsection (a) of section 319A. The Secretary shall provide technical assistance to States, or consortia of 2 or more States or political subdivisions of States, in addition to awarding such grants.

''(b) PROCEDURE.—

''(1) IN GENERAL.—A State, or a consortium of 2 or more States or political subdivisions of States, may contract with an outside entity to perform the evaluation described in subsection (a).

''(2) METHODS.—To the extent practicable, the evaluation described in subsection (a) shall be completed by using methods, to be developed by the Secretary in collaboration with State and local health officials, that facilitate the comparison of evaluations conducted by a State to those conducted by other States receiving funds under this section.

''(c) REPORT.—Not later than 1 year after the date on which a State, or a consortium of 2 or more States or political subdivisions of States, receives a grant under this subsection, such State, or a consortium of 2 or more States or political subdivisions of States, shall prepare and submit to the Secretary a report describing the results of the evaluation described in subsection (a) with respect to such State, or consortia of 2 or more States or political subdivisions of States.

''(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $45,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2003.

"SEC. 319C. GRANTS TO IMPROVE STATE AND LOCAL PUBLIC HEALTH AGENCIES.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award competitive grants to eligible entities to address core public health capacity needs using the capacities developed under section 319A, with a particular focus on building capacity to identify, detect, monitor, and respond to threats to the public health.

''(b) ELIGIBLE ENTITIES.—A State or political subdivision of a State, or a consortium of 2 or more States or political subdivisions of States, that has completed an evaluation under section 319B(a), or an evaluation that is substantially equivalent as determined by the Secretary under section 319B(a), shall be eligible for grants under subsection (a).

''(c) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a), may use funds received under such grant to—

''(1) train public health personnel;

''(2) develop, enhance, coordinate, or improve participation in an electronic network by which disease detection and public health related information can be rapidly shared among national, regional, State, and local public health agencies and health care providers;

''(3) develop a plan for responding to public health emergencies, including significant outbreaks of infectious diseases or bioterrorism attacks, which is coordinated with the capacities of applicable national, State, and local health agencies and health care providers; and

''(4) enhance laboratory capacity and facilities.

''(d) REPORT.—No later than January 1, 2005, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes the activities carried out under sections 319A, 319B, and 319C.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

"SEC. 319D. REVITALIZING THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

''(a) FINDINGS.—Congress finds that the Centers for Disease Control and Prevention have an essential role in defending against and combatting public health threats of the twenty-first century and requires secure and modern facilities that are sufficient to enable such Centers to conduct this important mission.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of achieving the mission of the Centers for Disease Control and Prevention described in subsection (a), for constructing new facilities and renovating existing facilities of such Centers, including laboratories, laboratory support buildings, health communication facilities, office buildings and other facilities and infrastructure, for better conducting the capacities described in section 319A, and for supporting related public health activities, there are authorized to be appropriated $180,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2010.

"SEC. 319E. COMBATING ANTIMICROBIAL RESISTANCE.

''(a) TASK FORCE.—

''(1) IN GENERAL.—The Secretary shall establish an Antimicrobial Resistance Task Force to provide advice and recommendations to the Secretary and coordinate Federal programs relating to antimicrobial resistance. The Secretary may appoint or select a committee, or other organization in existence as of the date of enactment of this section, to serve as such a task force, if such committee, or other organization meets the requirements of this section.

''(2) MEMBERS OF TASK FORCE.—The task force described in paragraph (1) shall be composed of representatives from such Federal agencies, and shall seek input from public health constituencies, manufacturers, veterinary and medical professional societies and others, as determined to be necessary by the Secretary, to develop and implement a comprehensive plan to address the public health threat of antimicrobial resistance.

''(3) AGENDA.—

''(A) IN GENERAL.—The task force described in paragraph (1) shall consider factors the Secretary considers appropriate, including—

''(i) public health factors contributing to increasing antimicrobial resistance;

''(ii) public health needs to detect and monitor antimicrobial resistance;

''(iii) detection, prevention, and control strategies for resistant pathogens;

''(iv) the need for improved information and data collection;

''(v) the assessment of the risk imposed by pathogens presenting a threat to the public health; and

''(vi) any other issues which the Secretary determines are relevant to antimicrobial resistance.

''(B) DETECTION AND CONTROL.—The Secretary, in consultation with the task force described in paragraph (1) and State and local public health officials, shall—

''(i) develop, improve, coordinate or enhance participation in a surveillance plan to detect and monitor emerging antimicrobial resistance; and

''(ii) develop, improve, coordinate or enhance participation in an integrated information system to assimilate, analyze, and exchange antimicrobial resistance data between public health departments.

''(4) MEETINGS.—The task force described under paragraph (1) shall convene not less than twice a year, or more frequently as the Secretary determines to be appropriate.

''(b) RESEARCH AND DEVELOPMENT OF NEW ANTIMICROBIAL DRUGS AND DIAGNOSTICS.—The Secretary and the Director of Agricultural Research Services, consistent with the recommendations of the task force established under subsection (a), shall conduct and support research, investigations, experiments, demonstrations, and studies in the health sciences that are related to—

''(1) the development of new therapeutics, including vaccines and antimicrobials, against resistant pathogens;

''(2) the development or testing of medical diagnostics to detect pathogens resistant to antimicrobials;

''(3) the epidemiology, mechanisms, and pathogenesis of antimicrobial resistance;

''(4) the sequencing of the genomes of priority pathogens as determined by the Director of the National Institutes of Health in consultation with the task force established under subsection (a); and

''(5) other relevant research areas.

''(c) EDUCATION OF MEDICAL AND PUBLIC HEALTH PERSONNEL.—The Secretary, after consultation with the Assistant Secretary for Health, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Agency for Healthcare Research and Quality, members of the task force described in subsection (a), professional organizations and societies, and such other public health officials as may be necessary, shall—

''(1) develop and implement educational programs to increase the awareness of the general public with respect to the public health threat of antimicrobial resistance and the appropriate use of antibiotics;

''(2) develop and implement educational programs to instruct health care professionals in the prudent use of antibiotics; and

''(3) develop and implement programs to train laboratory personnel in the recognition or identification of resistance in pathogens.

''(d) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award competitive grants to eligible entities to enable such entities to increase the capacity to detect, monitor, and combat antimicrobial resistance.

''(2) ELIGIBLE ENTITIES.—Eligible entities for grants under paragraph (1) shall be State or local public health agencies, Indian tribes or tribal organizations, or other public or private nonprofit entities.

''(3) USE OF FUNDS.—An eligible entity receiving a grant under paragraph (1) shall use funds from such grant for activities that are consistent with the factors identified by the task force under subsection (a)(3), which may include activities that—

''(A) provide training to enable such entity to identify patterns of resistance rapidly and accurately;

''(B) develop, improve, coordinate or enhance participation in information systems by which data on resistant infections can be shared rapidly among relevant national, State, and local health agencies and health care providers; and

''(C) develop and implement policies to control the spread of antimicrobial resistance.

''(e) GRANTS FOR DEMONSTRATION PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall award competitive grants to eligible entities to establish demonstration programs to promote judicious use of antimicrobial drugs or control the spread of antimicrobial-resistant pathogens.

''(2) ELIGIBLE ENTITIES.—Eligible entities for grants under paragraph (1) may include hospitals, clinics, institutions of long-term care, professional medical societies, or other public or private nonprofit entities.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall provide appropriate technical assistance to eligible entities that receive grants under paragraph (1).

''(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

''SEC. 319F. PUBLIC HEALTH COUNTERMEASURES TO A BIOTERRORIST ATTACK.

''(a) WORKING GROUP ON PREPAREDNESS FOR ACTS OF BIOTERRORISM.—The Secretary, in coordination with the Secretary of Defense, shall establish a joint interdepartmental working group on preparedness and readiness for the medical and public health effects of a bioterrorist attack on the civilian population. Such joint working group shall—

''(1) coordinate research on pathogens likely to be used in a bioterrorist attack on the civilian population as well as therapies to treat such pathogens;

''(2) coordinate research and development into equipment to detect pathogens likely to be used in a bioterrorist attack on the civilian population and protect against infection from such pathogens;

''(3) develop shared standards for equipment to detect and to protect against infection from pathogens likely to be used in a bioterrorist attack on the civilian population; and

''(4) coordinate the development, maintenance, and procedures for the release of, strategic reserves of vaccines, drugs, and medical supplies which may be needed rapidly after a bioterrorist attack upon the civilian population.

''(b) WORKING GROUP ON THE PUBLIC HEALTH AND MEDICAL CONSEQUENCES OF BIOTERRORISM.—

''(1) IN GENERAL.—The Secretary, in collaboration with the Director of the Federal Emergency Management Agency, the Attorney General, and the Secretary of Agriculture, shall establish a joint interdepartmental working group to address the public health and medical consequences of a bioterrorist attack on the civilian population.

''(2) FUNCTIONS.—Such working group shall—

''(A) assess the priorities for and enhance the preparedness of public health institutions, providers of medical care, and other emergency service personnel to detect, diagnose, and respond to a bioterrorist attack; and

''(B) in the recognition that medical and public health professionals are likely to provide much of the first response to such an attack, develop, coordinate, enhance, and assure the quality of joint planning and training programs that address the public health and medical consequences of a bioterrorist attack on the civilian population between—

''(i) local firefighters, ambulance personnel, police and public security officers, or other emergency response personnel; and

''(ii) hospitals, primary care facilities, and public health agencies.

''(3) WORKING GROUP MEMBERSHIP.—In establishing such working group, the Secretary shall act through the Assistant Secretary for Health and the Director of the Centers for Disease Control and Prevention.

''(4) COORDINATION.—The Secretary shall ensure coordination and communication between the working groups established in this subsection and subsection (a).

''(c) GRANTS.—

''(1) IN GENERAL.—The Secretary, in coordination with the working group established under subsection (b), shall, on a competitive basis and following scientific or technical review, award grants to or enter into cooperative agreements with eligible entities to enable such entities to increase their capacity to detect, diagnose, and respond to acts of bioterrorism upon the civilian population.

''(2) ELIGIBILITY.—To be an eligible entity under this subsection, such entity must be a State, political subdivision of a State, a consortium of 2 or more States or political subdivisions of States, or a hospital, clinic, or primary care facility.

''(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use such funds for activities that are consistent with the priorities identified by the working group under subsection (b), including—

''(A) training health care professionals and public health personnel to enhance the ability of such personnel to recognize the symptoms and epidemiological characteristics of exposure to a potential bioweapon;

''(B) addressing rapid and accurate identification of potential bioweapons;

''(C) coordinating medical care for individuals exposed to bioweapons; and

''(D) facilitating and coordinating rapid communication of data generated from a bioterrorist attack between national, State, and local health agencies, and health care providers.

''(4) COORDINATION.—The Secretary, in awarding grants under this subsection, shall—

''(A) notify the Director of the Office of Justice Programs, and the Director of the National Domestic Preparedness Office annually as to the amount and status of grants awarded under this subsection; and

''(B) coordinate grants awarded under this subsection with grants awarded by the Office of Emergency Preparedness and the Centers for Disease Control and Prevention for the purpose of improving the capacity of health care providers and public health agencies to respond to bioterrorist attacks on the civilian population.

''(5) ACTIVITIES.—An entity that receives a grant under this subsection shall, to the greatest extent practicable, coordinate activities carried out with such funds with the activities of a local Metropolitan Medical Response System.

''(d) FEDERAL ASSISTANCE.—The Secretary shall ensure that the Department of Health and Human Services is able to provide such assistance as may be needed to State and local health agencies to enable such agencies to respond effectively to bioterrorist attacks.

''(e) EDUCATION.—The Secretary, in collaboration with members of the working group described in subsection (b), and professional organizations and societies, shall—

''(1) develop and implement educational programs to instruct public health officials, medical professionals, and other personnel working in health care facilities in the recognition and care of victims of a bioterrorist attack; and

''(2) develop and implement programs to train laboratory personnel in the recognition and identification of a potential bioweapon.

''(f) FUTURE RESOURCE DEVELOPMENT.—The Secretary shall consult with the working group described in subsection (a), to develop priorities for and conduct research, investigations, experiments, demonstrations, and studies in the health sciences related to—

''(1) the epidemiology and pathogenesis of potential bioweapons;

''(2) the development of new vaccines or other therapeutics against pathogens likely to be used in a bioterrorist attack;

''(3) the development of medical diagnostics to detect potential bioweapons; and

''(4) other relevant research areas.

''(g) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 180 days after the date of enactment of this section, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions and

the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes—

''(1) Federal activities primarily related to research on, preparedness for, and the management of the public health and medical consequences of a bioterrorist attack against the civilian population;

''(2) the coordination of the activities described in paragraph (1);

''(3) the amount of Federal funds authorized or appropriated for the activities described in paragraph (1); and

''(4) the effectiveness of such efforts in preparing national, State, and local authorities to address the public health and medical consequences of a potential bioterrorist attack against the civilian population.

''(h) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $215,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

''SEC. 319G. DEMONSTRATION PROGRAM TO ENHANCE BIOTERRORISM TRAINING, COORDINATION, AND READINESS.

''(a) IN GENERAL.—The Secretary shall make grants to not more than three eligible entities to carry out demonstration programs to improve the detection of pathogens likely to be used in a bioterrorist attack, the development of plans and measures to respond to bioterrorist attacks, and the training of personnel involved with the various responsibilities and capabilities needed to respond to acts of bioterrorism upon the civilian population. Such awards shall be made on a competitive basis and pursuant to scientific and technical review.

''(b) ELIGIBLE ENTITIES.—Eligible entities for grants under subsection (a) are States, political subdivisions of States, and public or private non-profit organizations.

''(c) SPECIFIC CRITERIA.—In making grants under subsection (a), the Secretary shall take into account the following factors:

''(1) Whether the eligible entity involved is proximate to, and collaborates with, a major research university with expertise in scientific training, identification of biological agents, medicine, and life sciences.

''(2) Whether the entity is proximate to, and collaborates with, a laboratory that has expertise in the identification of biological agents.

''(3) Whether the entity demonstrates, in the application for the program, support and participation of State and local governments and research institutions in the conduct of the program.

''(4) Whether the entity is proximate to, and collaborates with, or is, an academic medical center that has the capacity to serve an uninsured or underserved population, and is equipped to educate medical personnel.

''(5) Such other factors as the Secretary determines to be appropriate.

''(d) DURATION OF AWARD.—The period during which payments are made under a grant under subsection (a) may not exceed five years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

'' (e) SUPPLEMENT NOT SUPPLANT.—Grants under subsection (a) shall be used to supplement, and not supplant, other Federal, State, or local public funds provided for the activities described in such subsection.

''(f) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 180 days after the conclusion of the demonstration programs carried out under subsection (a), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives, a report that describes the ability of grantees under such subsection to detect pathogens likely to be used in a bioterrorist attack, develop plans and measures for dealing with such threats, and train personnel involved with the various responsibilities and capabilities needed to deal with bioterrorist threats.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000 for fiscal year 2001, and such sums as may be necessary through fiscal year 2006.''.

TITLE II—CLINICAL RESEARCH ENHANCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Clinical Research Enhancement Act of 1999''.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than $1,200,000,000,000 on health care in 1999, but the Federal budget for health research at the National Institutes of Health was $15,600,000,000 only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and appointed a special panel, which recommended expanded support for existing National Institutes of Health clinical research programs and the creation of new initiatives to recruit and retain clinical investigators.

(7) The current level of training and support for health professionals in clinical research is fragmented, undervalued, and underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1993.

(B) The number of physicians applying for first-time National Institutes of Health research project grants fell from 1226 in 1994 to 963 in 1998, a 21 percent reduction.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(9) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of $85,619, as reported in the Medical School Graduation Questionnaire by the Association of American Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs for patients engaged in research studies and research procedures.

(10) In 1960, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of $3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1999 equaled $200,500,000.

(12) Since the late 1960s, spending for general clinical research centers has declined from approximately 3 percent to 1 percent of the National Institutes of Health budget.

(13) In fiscal year 1999, there were 77 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technologies.

(b) PURPOSE.—It is the purpose of this title to provide additional support for and to expand clinical research programs.

SEC. 203. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''SEC. 409C. CLINICAL RESEARCH.

''(a) IN GENERAL.—The Director of National Institutes of Health shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research.

''(b) REQUIREMENTS.—In carrying out subsection (a), the Director of National Institutes of Health shall—

''(1) consider the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research; and

''(2) establish intramural and extramural clinical research fellowship programs directed specifically at medical and dental students and a continuing education clinical research training program at the National Institutes of Health.

''(c) SUPPORT FOR THE DIVERSE NEEDS OF CLINICAL RESEARCH.—The Director of National Institutes of Health, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including inpatient, outpatient, and critical care clinical research.

''(d) PEER REVIEW.—The Director of National Institutes of Health shall establish peer review mechanisms to evaluate applications for the awards and fellowships provided for in subsection (b)(2) and section 409D. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.''.

SEC. 204. GENERAL CLINICAL RESEARCH CENTERS.

(a) GRANTS.—Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 481C. GENERAL CLINICAL RESEARCH CENTERS.

''(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

''(b) ACTIVITIES.—In carrying out subsection (a), the Director of National Institutes of Health shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.''.

(b) ENHANCEMENT AWARDS.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 203, is further amended by adding at the end the following:

"SEC. 409D. ENHANCEMENT AWARDS.

''(a) MENTORED PATIENT-ORIENTED RESEARCH CAREER DEVELOPMENT AWARDS.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mentored Patient-Oriented Research Career Development Awards') to support individual careers in clinical research at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

''(B) USE.—Grants under subparagraph (A) shall be used to support clinical investigators in the early phases of their independent careers by providing salary and such other support for a period of supervised study.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(b) MID-CAREER INVESTIGATOR AWARDS IN PATIENT-ORIENTED RESEARCH.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mid-Career Investigator Awards in Patient-Oriented Research') to support individual clinical research projects at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

''(B) USE.—Grants under subparagraph (A) shall be used to provide support for mid-career level clinicians to allow such clinicians to devote time to clinical research and to act as mentors for beginning clinical investigators.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(c) GRADUATE TRAINING IN CLINICAL INVESTIGATION AWARD.—

''(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Graduate Training in Clinical Investigation Awards') to support individuals pursuing master's or doctoral degrees in clinical investigation.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) LIMITATIONS.—Grants under this subsection shall be for terms of 2 years or more and shall provide stipend, tuition, and institutional support for individual advanced degree programs in clinical investigation.

''(4) DEFINITION.—As used in this subsection, the term 'advanced degree programs in clinical investigation' means programs that award a master's or Ph.D. degree in clinical investigation after 2 or more years of training in areas such as the following:

''(A) Analytical methods, biostatistics, and study design.

''(B) Principles of clinical pharmacology and pharmacokinetics.

''(C) Clinical epidemiology.

''(D) Computer data management and medical informatics.

''(E) Ethical and regulatory issues.

''(F) Biomedical writing.

''(5) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(d) CLINICAL RESEARCH CURRICULUM AWARDS.—

''(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Clinical Research Curriculum Awards') to institutions for the development and support of programs of core curricula for training clinical investigators, including medical students. Such core curricula may include training in areas such as the following:

''(A) Analytical methods, biostatistics, and study design.

''(B) Principles of clinical pharmacology and pharmacokinetics.

''(C) Clinical epidemiology.

''(D) Computer data management and medical informatics.

''(E) Ethical and regulatory issues.

''(F) Biomedical writing.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual institution or a consortium of institutions at such time as the Director may require. An institution may submit only 1 such application.

''(3) LIMITATIONS.—Grants under this subsection shall be for terms of up to 5 years and may be renewable.

''(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.''.

SEC. 205. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288–5) the following:

"SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified health professionals under which such health professionals agree to conduct clinical research, in consideration of the Federal Government agreeing to repay, for each year of service conducting such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(b) APPLICATION OF PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(c) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(2) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.''.

SEC. 206. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking ''For purposes'' and inserting ''(a) HEALTH SERVICE RESEARCH.—For purposes''; and

(2) by adding at the end the following:

''(b) CLINICAL RESEARCH.—As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology or disease, or epidemiologic or behavioral studies, outcomes research or health services research, or developing new technologies, therapeutic interventions, or clinical trials.''.

SEC. 207. OVERSIGHT BY GENERAL ACCOUNTING OFFICE.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a reporting describing the extent to which the National Institutes of Health has complied with the amendments made by this title.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Twenty-First Century Research Laboratories Act''.

SEC. 302. FINDINGS.

Congress finds that—

(1) the National Institutes of Health is the principal source of Federal funding for medical research at universities and other research institutions in the United States;

(2) the National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of expanding the national investment of the United States in behavioral and biomedical research;

(3) the infrastructure of our research institutions is central to the continued leadership of the United States in medical research;

(4) as Congress increases the investment in cutting-edge basic and clinical research, it is critical that Congress also examine the current quality of the laboratories and buildings where research is being conducted, as well as the quality of laboratory equipment used in research;

(5) many of the research facilities and laboratories in the United States are outdated and inadequate;

(6) the National Science Foundation found, in a 1998 report on the status of biomedical research facilities, that over 60 percent of research-performing institutions indicated that they had an inadequate amount of medical research space;

(7) the National Science Foundation reports that academic institutions have deferred nearly $11,000,000,000 in renovation and construction projects because of a lack of funds; and

(8) future increases in Federal funding for the National Institutes of Health must include increased support for the renovation and construction of extramural research facilities in the United States and the purchase of state-of-the-art laboratory instrumentation.

SEC. 303. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Section 481A of the Public Health Service Act (42 U.S.C. 287a–2 et seq.) is amended to read as follows:

"SEC. 481A. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

''(a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

''(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

''(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

''(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

''(1) IN GENERAL: APPROVAL AS PRECONDITION TO GRANTS.—

''(A) ESTABLISHMENT.—There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the 'Board').

''(B) REQUIREMENT.—The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

''(2) DUTIES.—

''(A) ADVICE.—The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the 'Advisory Council') in carrying out this section.

''(B) DETERMINATION OF MERIT.—In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

''(C) AMOUNT.—In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided under the grant.

''(D) ANNUAL REPORT.—In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

''(i) summarize and analyze expenditures made under this section;

''(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

''(iii) contain the recommendations of the Board for any changes in the administration of this section.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 15 members to be appointed by the Director of the Center, and such ad-hoc or temporary members as the Director of the Center determines to be appropriate. All members of the Board, including temporary and ad-hoc members, shall be voting members.

''(B) LIMITATION.—Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

''(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

''(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

''(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

''(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

''(D) are experienced with emerging centers of excellence, as described in subsection (c)(2).

''(5) CERTAIN AUTHORITIES.—

''(A) WORKSHOPS AND CONFERENCES.—In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

''(B) SUBCOMMITTEES.—In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

''(6) TERMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

''(B) STAGGERED TERMS.—Members appointed to the Board shall serve staggered terms as specified by the Director of the Center when making the appointments.

''(C) REAPPOINTMENT.—No member of the Board shall be eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

''(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

''(c) REQUIREMENTS FOR GRANTS.—

''(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

''(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

''(B) The applicant provides assurances satisfactory to the Director that—

''(i) for not less than 20 years after completion of the construction involved, the facility will be used for the purposes of the research for which it is to be constructed;

''(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

''(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

''(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

''(C) The applicant meets reasonable qualifications established by the Director with respect to—

''(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

''(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

''(iii) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

''(iv) the age and condition of existing research facilities.

''(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

''(2) INSTITUTIONS OF EMERGING EXCELLENCE.—From the amount appropriated under subsection (i) for a fiscal year up to $50,000,000, the Director of the Center shall make available 25 percent of such amount, and from the amount appropriated under such subsection for a fiscal year that is over $50,000,000, the Director of the Center shall make available up to 25 percent of such amount, for grants under subsection (a) to applicants that in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

''(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

''(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

''(C) The applicant has been productive in research or research development and training.

''(D) The applicant—

''(i) has been designated as a center of excellence under section 739;

''(ii) is located in a geographic area whose population includes a significant number of individuals with health status deficit, and the applicant provides health services to such individuals; or

''(iii) is located in a geographic area in which a deficit in health care technology,

services, or research resources may adversely affect the health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

''(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(e) AMOUNT OF GRANT; PAYMENTS.—

''(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

''(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

''(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

''(2) RESERVATION OF AMOUNTS.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

''(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

''(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

''(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

''(4) WAIVER OF LIMITATIONS.—The limitations imposed under paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in subsection (c).

''(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

''(1) the applicant or other owner of the facility shall cease to be a public or non profit private entity; or

''(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

''(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

''(h) REPORT TO CONGRESS.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the report prepared by the National Science Foundation on the needs of research facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $250,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.''.

SEC. 304. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTERS.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking ''1994'' and all that follows through ''$5,000,000'' and inserting ''2000 through 2002, reserve from the amounts appropriated under section 481A(i) such sums as necessary''.

SEC. 305. SHARED INSTRUMENTATION GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authority of section 479 of the Public Health Service Act (42 U.S.C. 287 et seq.)).

(b) REQUIREMENTS FOR GRANTS.—In determining whether to award a grant to an applicant under the program described in subsection (a), the Director of the National Center for Research Resources shall consider—

(1) the extent to which an award for the specific instrument involved would meet the scientific needs and enhance the planned research endeavors of the major users by providing an instrument that is unavailable or to which availability is highly limited;

(2) with respect to the instrument involved, the availability and commitment of the appropriate technical expertise within the major user group or the applicant institution for use of the instrumentation;

(3) the adequacy of the organizational plan for the use of the instrument involved and the internal advisory committee for oversight of the applicant, including sharing arrangements if any;

(4) the applicant's commitment for continued support of the utilization and maintenance of the instrument; and

(5) the extent to which the specified instrument will be shared and the benefit of the proposed instrument to the overall research community to be served.

(c) PEER REVIEW.—In awarding grants under the program described in subsection (a) Director of the National Center for Research Resources shall comply with the peer review requirements in section 492 of the Public Health Service Act (42 U.S.C. 289a).

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Cardiac Arrest Survival Act of 2000''.

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) Over 700 lives are lost every day to sudden cardiac arrest in the United States alone.

(2) Two out of every three sudden cardiac deaths occur before a victim can reach a hospital.

(3) More than 95 percent of these cardiac arrest victims will die, many because of lack of readily available life saving medical equipment.

(4) With current medical technology, up to 30 percent of cardiac arrest victims could be saved if victims had access to immediate medical response, including defibrillation and cardiopulmonary resuscitation.

(5) Once a victim has suffered a cardiac arrest, every minute that passes before returning the heart to a normal rhythm decreases the chance of survival by 10 percent.

(6) Most cardiac arrests are caused by abnormal heart rhythms called ventricular fibrillation. Ventricular fibrillation occurs when the heart's electrical system malfunctions, causing a chaotic rhythm that prevents the heart from pumping oxygen to the victim's brain and body.

(7) Communities that have implemented programs ensuring widespread public access to defibrillators, combined with appropriate training, maintenance, and coordination with local emergency medical systems, have dramatically improved the survival rates from cardiac arrest.

(8) Automated external defibrillator devices have been demonstrated to be safe and effective, even when used by lay people, since the devices are designed not to allow a user to administer a shock until after the device has analyzed a victim's heart rhythm and determined that an electric shock is required.

(9) Increasing public awareness regarding automated external defibrillator devices and encouraging their use in Federal buildings will greatly facilitate their adoption.

(10) Limiting the liability of Good Samaritans and acquirers of automated external defibrillator devices in emergency situations may encourage the use of automated external defibrillator devices, and result in saved lives.

SEC. 403. RECOMMENDATIONS AND GUIDELINES OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

''RECOMMENDATIONS AND GUIDELINES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS

''SEC. 247. (a) GUIDELINES ON PLACEMENT.—The Secretary shall establish guidelines with respect to placing automated external defibrillator devices in Federal buildings. Such guidelines shall take into account the extent to which such devices may be used by lay persons, the typical number of employees and visitors in the buildings, the extent of the need for security measures regarding the buildings, buildings or portions of buildings in which there are special circumstances such as high electrical voltage or extreme heat or cold, and such other factors as the Secretary determines to be appropriate.

''(b) RELATED RECOMMENDATIONS.—The Secretary shall publish in the Federal Register the recommendations of the Secretary on the appropriate implementation of the placement of automated external defibrillator devices under subsection (a), including procedures for the following:

''(1) Implementing appropriate training courses in the use of such devices, including the role of cardiopulmonary resuscitation.

''(2) Proper maintenance and testing of the devices.

''(3) Ensuring coordination with appropriate licensed professionals in the oversight of training of the devices.

''(4) Ensuring coordination with local emergency medical systems regarding the placement and incidents of use of the devices.

''(c) CONSULTATIONS; CONSIDERATION OF CERTAIN RECOMMENDATIONS.—In carrying out this section, the Secretary shall—

''(1) consult with appropriate public and private entities;

''(2) consider the recommendations of national and local public-health organizations for improving the survival rates of individuals who experience cardiac arrest in non-hospital settings by minimizing the time elapsing between the onset of cardiac arrest and the initial medical response, including defibrillation as necessary; and

''(3) consult with and counsel other Federal agencies where such devices are to be used.

''(d) DATE CERTAIN FOR ESTABLISHING GUIDELINES AND RECOMMENDATIONS.—The Secretary shall comply with this section not later than 180 days after the date of the enactment of the Cardiac Arrest Survival Act of 2000.

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'automated external defibrillator device' has the meaning given such term in section 248.

''(2) The term 'Federal building' includes a building or portion of a building leased or rented by a Federal agency, and includes buildings on military installations of the United States.''.

SEC. 404. GOOD SAMARITAN PROTECTIONS REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 403, is amended by adding at the end the following:

''LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

''SEC. 248. (a) GOOD SAMARITAN PROTECTIONS REGARDING AEDS.—Except as provided in subsection (b), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is immune from civil liability for any harm resulting from the use or attempted use of such device; and in addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such acquirer of the device—

''(1) to notify local emergency response personnel or other appropriate entities of the most recent placement of the device within a reasonable period of time after the device was placed;

''(2) to properly maintain and test the device; or

''(3) to provide appropriate training in the use of the device to an employee or agent of the acquirer when the employee or agent was the person who used the device on the victim, except that such requirement of training does not apply if—

''(A) the employee or agent was not an employee or agent who would have been reasonably expected to use the device; or

''(B) the period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm (or between the acquisition of the device and the occurrence of the harm, in any case in which the device was acquired after such engagement of the person) was not a reasonably sufficient period in which to provide the training.

''(b) INAPPLICABILITY OF IMMUNITY.—Immunity under subsection (a) does not apply to a person if—

''(1) the harm involved was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed; or

''(2) the person is a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional; or

''(3) the person is a hospital, clinic, or other entity whose purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or

''(4) the person is an acquirer of the device who leased the device to a health care entity (or who otherwise provided the device to such entity for compensation without selling the device to the entity), and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent.

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—The following applies with respect to this section:

''(A) This section does not establish any cause of action, or require that an automated external defibrillator device be placed at any building or other location.

''(B) With respect to a class of persons for which this section provides immunity from civil liability, this section supersedes the law of a State only to the extent that the State has no statute or regulations that provide persons in such class with immunity for civil liability arising from the use by such persons of automated external defibrillator devices in emergency situations (within the meaning of the State law or regulation involved).

''(C) This section does not waive any protection from liability for Federal officers or employees under—

''(i) section 224; or

''(ii) sections 1346(b), 2672, and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

''(2) CIVIL ACTIONS UNDER FEDERAL LAW.—

''(A) IN GENERAL.—The applicability of subsections (a) and (b) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

''(B) FEDERAL AREAS ADOPTING STATE LAW.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.

''(d) FEDERAL JURISDICTION.—In any civil action arising under State law, the courts of the State involved have jurisdiction to apply the provisions of this section exclusive of the jurisdiction of the courts of the United States.

''(e) DEFINITIONS.—

''(1) PERCEIVED MEDICAL EMERGENCY.—For purposes of this section, the term 'perceived medical emergency' means circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.

''(2) OTHER DEFINITIONS.—For purposes of this section:

''(A) The term 'automated external defibrillator device' means a defibrillator device that—

''(i) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;

''(ii) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed;

''(iii) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual; and

''(iv) in the case of a defibrillator device that may be operated in either an automated or a manual mode, is set to operate in the automated mode.

''(B)(i) The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

''(ii) The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

''(iii) The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.''.

Subtitle B—Rural Access to Emergency Devices

SEC. 411. SHORT TITLE.

This subtitle may be cited as the ''Rural Access to Emergency Devices Act'' or the ''Rural AED Act''.

SEC. 412. FINDINGS.

Congress makes the following findings:

(1) Heart disease is the leading cause of death in the United States.

(2) The American Heart Association estimates that 250,000 Americans die from sudden cardiac arrest each year.

(3) A cardiac arrest victim's chance of survival drops 10 percent for every minute that passes before his or her heart is returned to normal rhythm.

(4) Because most cardiac arrest victims are initially in ventricular fibrillation, and the only treatment for ventricular fibrillation is defibrillation, prompt access to defibrillation to return the heart to normal rhythm is essential.

(5) Lifesaving technology, the automated external defibrillator, has been developed to allow trained lay rescuers to respond to cardiac arrest by using this simple device to shock the heart into normal rhythm.

(6) Those people who are likely to be first on the scene of a cardiac arrest situation in many communities, particularly smaller and rural communities, lack sufficient numbers of automated external defibrillators to respond to cardiac arrest in a timely manner.

(7) The American Heart Association estimates that more than 50,000 deaths could be prevented each year if defibrillators were more widely available to designated responders.

(8) Legislation should be enacted to encourage greater public access to automated

external defibrillators in communities across the United States.

SEC. 413. GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Rural Health Outreach Office of the Health Resources and Services Administration, shall award grants to community partnerships that meet the requirements of subsection (b) to enable such partnerships to purchase equipment and provide training as provided for in subsection (c).

(b) COMMUNITY PARTNERSHIPS.—A community partnership meets the requirements of this subsection if such partnership—

(1) is composed of local emergency response entities such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates;

(2) evaluates the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the American Heart Association and the American Red Cross; and

(3) submits to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts provided under a grant under this section shall be used—

(1) to purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration; and

(2) to provide defibrillator and basic life support training in automated external defibrillator usage through the American Heart Association, the American Red Cross, or other nationally recognized training courses.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether the increased availability of defibrillators has affected survival rates in the communities in which grantees under this section operated. The procedures under which the Secretary obtains data and prepares the report under this subsection shall not impose an undue burden on program participants under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for fiscal years 2001 through 2003 to carry out this section.

TITLE V—LUPUS RESEARCH AND CARE

SEC. 501. SHORT TITLE.

This title may be cited as the ''Lupus Research and Care Amendments of 2000''.

SEC. 502. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women nine times more often than men;

(3) there are three main types of lupus: systemic lupus, a serious form of the disease that affects many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is three times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that between 1,400,000 and 2,000,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatments for the disease can be effective, but may lead to damaging side effects;

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives; and

(10) in fiscal year 1996, the amount allocated by the National Institutes of Health for research on lupus was $33,000,000, which is less than one-half of 1 percent of the budget for such Institutes.

Subtitle A—Research on Lupus

SEC. 511. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following:

''LUPUS

''SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

''(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

''(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

''(2) Basic research concerning the etiology and causes of the disease.

''(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

''(4) The development of improved diagnostic techniques.

''(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

''(6) Information and education programs for health care professionals and the public.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.''.

Subtitle B—Delivery of Services Regarding Lupus

SEC. 521. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall in accordance with this subtitle make grants to provide for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with lupus and their families.

(b) RECIPIENTS OF GRANTS.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government; a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, or homeless health center; or other appropriate public or nonprofit private entity.

(c) CERTAIN ACTIVITIES.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide services for the diagnosis and disease management of lupus. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient, ambulatory, and home-based health and support services, including case management and comprehensive treatment services, for individuals with lupus; and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities of individuals with lupus.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with lupus and support services for their families.

(d) INTEGRATION WITH OTHER PROGRAMS.—To the extent practicable and appropriate, the Secretary shall integrate the program under this subtitle with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

SEC. 522. CERTAIN REQUIREMENTS.

A grant may be made under section 521 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of lupus.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 521(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 521(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

SEC. 523. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to assist entities in complying with the requirements of this subtitle in order to make such entities eligible to receive grants under section 521.

SEC. 524. DEFINITIONS.

For purposes of this subtitle:

(1) OFFICIAL POVERTY LINE.—The term ''official poverty line'' means the poverty line

established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 525. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Prostate Cancer Research and Prevention Act''.

SEC. 602. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PREVENTIVE HEALTH MEASURES.—Section 317D of the Public Health Service Act (42 U.S.C. 247b–5) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and local health departments for the purpose of enabling such States and departments to carry out programs that may include the following:

''(1) To identify factors that influence the attitudes or levels of awareness of men and health care practitioners regarding screening for prostate cancer.

''(2) To evaluate, in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, the effectiveness of screening strategies for prostate cancer.

''(3) To identify, in consultation with the Agency for Health Care Policy and Research, issues related to the quality of life for men after prostrate cancer screening and followup.

''(4) To develop and disseminate public information and education programs for prostate cancer, including appropriate messages about the risks and benefits of prostate cancer screening for the general public, health care providers, policy makers and other appropriate individuals.

''(5) To improve surveillance for prostate cancer.

''(6) To address the needs of underserved and minority populations regarding prostate cancer.

''(7) Upon a determination by the Secretary, who shall take into consideration recommendations by the United States Preventive Services Task Force and shall seek input, where appropriate, from professional societies and other private and public entities, that there is sufficient consensus on the effectiveness of prostate cancer screening—

''(A) to screen men for prostate cancer as a preventive health measure;

''(B) to provide appropriate referrals for the medical treatment of men who have been screened under subparagraph (A) and to ensure, to the extent practicable, the provision of appropriate followup services and support services such as case management;

''(C) to establish mechanisms through which State and local health departments can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

''(D) to improve, in consultation with the Health Resources and Services Administration, the education, training, and skills of health practitioners (including appropriate allied health professionals) in the detection and control of prostate cancer.

''(8) To evaluate activities conducted under paragraphs (1) through (7) through appropriate surveillance or program monitoring activities.''; and

(2) in subsection (l)(1), by striking ''1998'' and inserting ''2004''.

(b) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a–8(c)) is amended by striking ''and 1996'' and inserting ''through 2004''.

TITLE VII—ORGAN PROCUREMENT AND DONATION

SEC. 701. ORGAN PROCUREMENT ORGANIZATION CERTIFICATION.

(a) SHORT TITLE.—This section may be cited as the ''Organ Procurement Organization Certification Act of 2000''.

(b) FINDINGS.—Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b–8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(c) CERTIFICATION AND RECERTIFICATION OF ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

''(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

''(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

''(I) January 1, 2002; or

''(II) the completion of recertification under the requirements of clause (ii); or

''(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

''(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

''(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

''(III) use multiple outcome measures as part of the certification process; and

''(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;''.

SEC. 702. DESIGNATION OF GIVE THANKS, GIVE LIFE DAY.

(a) FINDINGS.—Congress finds that—

(1) traditionally, Thanksgiving is a time for families to take time out of their busy lives to come together and to give thanks for the many blessings in their lives;

(2) approximately 21,000 men, women, and children in the United States are given the gift of life each year through transplantation surgery, made possible by the generosity of organ and tissue donations;

(3) more than 66,000 Americans are awaiting their chance to prolong their lives by finding a matching donor;

(4) nearly 5,000 of these patients each year (or 13 patients each day) die while waiting for a donated heart, liver, kidney, or other organ;

(5) nationwide there are up to 15,000 potential donors annually, but families' consent to donation is received for less than 6,000;

(6) the need for organ donations greatly exceeds the supply available;

(7) designation as an organ donor on a driver's license or voter's registration is a valuable step, but does not ensure donation when an occasion arises;

(8) the demand for transplantation will likely increase in the coming years due to the growing safety of transplantation surgery due to improvements in technology and drug developments, prolonged life expectancy, and increased prevalence of diseases that may lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection;

(9) the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

(10) the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient's initial intent;

(11) many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

(12) some family members may be reluctant to give consent to donate their deceased loved one's organs and tissues at a very difficult and emotional time if that person has

not clearly expressed a desire or willingness to do so;

(13) the vast majority of Americans are likely to spend part of Thanksgiving Day with some of those family members who would be approached to make such a decision; and

(14) it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings.

(b) DESIGNATION.—November 23, 2000, Thanksgiving Day, is hereby designated as a day to ''Give Thanks, Give Life'' and to discuss organ and tissue donation with other family members so that informed decisions can be made if the occasion to donate arises.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

SEC. 801. ALZHEIMER'S CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.) is amended—

(1) by redesignating section 445I as section 445J; and

(2) by inserting after section 445H the following:

''SEC. 445I. ALZHEIMER'S CLINICAL RESEARCH AND TRAINING AWARDS.

''(a) IN GENERAL.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with Alzheimer's disease.

''(b) SUPPORT OF PROMISING CLINICIANS.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of Alzheimer's disease, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in Alzheimer's disease research and treatment.

''(c) EXCELLENCE IN CERTAIN FIELDS.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in neuroscience, neurobiology, geriatric medicine, and psychiatry and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.''.

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

SEC. 901. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f et seq.) is amended by adding at the end the following:

''SEC. 447B. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

''(a) IN GENERAL.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with sexually transmitted diseases.

''(b) SUPPORT OF PROMISING CLINICIANS.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of sexually transmitted diseases, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in sexually transmitted disease research and treatment.

''(c) EXCELLENCE IN CERTAIN FIELDS.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in the etiology and pathogenesis of sexually transmitted diseases and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.''.

TITLE X—MISCELLENOUS PROVISIONS

SEC. 1001. TECHNICAL CORRECTION TO THE CHILDREN'S HEALTH ACT OF 2000.

(a) IN GENERAL.—Section 2701 of the Children's Health Act of 2000 is amended by striking ''part 45 of title 46'' and inserting ''part 46 of title 45''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of the Children's Health Act of 2000.

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

SESSIONS AMENDMENT NO. 4345

Mr. BROWNBACK (for Mr. SESSIONS) proposed an amendment to the bill (S. 3045) to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Paul Coverdell National Forensic Sciences Improvement Act of 2000''.

SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES.

(a) DESCRIPTION OF DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 375(b)) is amended—

(1) in paragraph (25), by striking ''and'' at the end;

(2) in paragraph (26), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.''.

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

''(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

''(A) forensic science laboratory or forensic science laboratory system, that—

''(i) employs 1 or more full-time scientists—

''(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

''(II) who provide testimony with respect to such physical evidence to the criminal justice system;

''(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

''(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

''(B) medical examiner's office (as defined by the National Association of Medical Examiners) that—

''(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

''(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.''.

(c) PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS

''SEC. 2801. GRANT AUTHORIZATION.

''The Attorney General shall award grants to States in accordance with this part.

''SEC. 2802. APPLICATIONS.

''To request a grant under this part, a State shall submit to the Attorney General—

''(1) a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

''(2) a certification that any forensic science laboratory system, medical examiner's office, or coroner's office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations; and

''(3) a specific description of any new facility to be constructed as part of the program described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 2804(c).

''SEC. 2803. ALLOCATION.

''(a) IN GENERAL.—

''(1) POPULATION ALLOCATION.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

''(2) DISCRETIONARY ALLOCATION.—Twenty-five percent of the amount made available to carry out this part in each fiscal year shall be allocated pursuant to the Attorney General's discretion to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent

calendar years for which such data is available.

''(3) MINIMUM REQUIREMENT.—Each State shall receive not less than 0.6 percent of the amount made available to carry out this part in each fiscal year.

''(4) PROPORTIONAL REDUCTION.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

''(b) STATE DEFINED.—In this section, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

''(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

''(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

''SEC. 2804. USE OF GRANTS.

''(a) IN GENERAL.—A State that receives a grant under this part shall use the grant to carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

''(b) PERMITTED CATEGORIES OF FUNDING.—Subject to subsections (c) and (d), a grant awarded under this part—

''(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

''(2) may not be used for any general law enforcement or nonforensic investigatory function.

''(c) FACILITIES COSTS.—

''(1) STATES RECEIVING MINIMUM GRANT AMOUNT.—With respect to a State that receives a grant under this part in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

''(2) OTHER STATES.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

''(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

''(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

''(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount of a grant awarded under this part may be used for administrative expenses.

''SEC. 2805. ADMINISTRATIVE PROVISIONS.

''(a) REGULATIONS.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

''(b) EXPENDITURE RECORDS.—

''(1) RECORDS.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

''(2) ACCESS.—The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this part, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

''SEC. 2806. REPORTS.

''(a) REPORTS TO ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this part, each State that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

''(1) a summary and assessment of the program carried out with the grant;

''(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency; and

''(3) such other information as the Attorney General may require.

''(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

''(1) the aggregate amount of grants awarded under this part for that fiscal year; and

''(2) a summary of the information provided under subsection (a).''.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

''(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

''(A) $35,000,000 for fiscal year 2001;

''(B) $85,400,000 for fiscal year 2002;

''(C) $134,733,000 for fiscal year 2003;

''(D) $128,067,000 for fiscal year 2004;

''(E) $56,733,000 for fiscal year 2005; and

''(F) $42,067,000 for fiscal year 2006.''.

(B) BACKLOG ELIMINATION.—There is authorized to be appropriated $30,000,000 for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and for other related purposes, as provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001.

(3) TABLE OF CONTENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the table of contents.

(4) REPEAL OF 20 PERCENT FLOOR FOR CITA CRIME LAB GRANTS.—Section 102(e)(2) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(2)) is amended—

(A) in subparagraph (B), by adding ''and'' at the end; and

(B) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.

(a) IN GENERAL.—Section 983(a)(2)(C)(ii) of title 18, United States Code, is amended by striking ''(and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 2(a) of Public Law 106–185.

SEC. 4. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as ''DNA testing'') has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or re-tested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in this country;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.

Amend the title to read as follows: ''A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.''.

BIRMINGHAM PLEDGE LEGISLATION

SESSIONS AMENDMENTS NOS. 4346–4347

Mr. BROWNBACK (for Mr. SESSIONS) proposed two amendments to the joint resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes; as follows:

AMENDMENT NO. 4346

Strike all after the resolved clause and insert the following:

That—

(1) Congress recognizes that the Birmingham Pledge is a significant contribution toward fostering racial harmony and reconciliation in the United States and around the world;

(2) Congress commends the creators, promoters, and signatories of the Birmingham Pledge for the steps they are taking to make the United States and the world a better place for all people; and

(3) it is the sense of Congress that a particular week should be designated as ''National Birmingham Pledge Week.''.

AMENDMENT NO. 4347

Strike the preamble and insert the following:

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

''I believe that every person has worth as an individual.

''I believe that every person is entitled to dignity and respect, regardless of race or color.

''I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

''Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

''I will discourage racial prejudice by others at every opportunity.

''I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.'';

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors, State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is ''Sign It, Live It'', is a powerful tool for facilitating dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

AMERICAN MUSEUM OF SCIENCE AND ENERGY LEGISLATION

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4348

Mr. BROWNBACK (for Mr. MURKOWSKI (for himself, Mr. FRIST, and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 4940) to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the ''American Museum of Science and Energy,'' and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

''SECTION 1. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

''(a) IN GENERAL.—The Museum—

''(1) is designated as the ''American Museum of Science and Energy''; and

''(2) shall be the official museum of science and energy of the United States.

''(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the 'American Museum of Science and Energy'.

''(c) PROPERTY OF THE UNITED STATES.—

''(1) IN GENERAL.—The name American Museum of Science and Energy is declared the property of the United States.

''(2) USE.—The Museum shall have the sole right throughout the United States and its possessions to have and use the name 'American Museum of Science and Energy'.

''(3) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

''SEC. 2. AUTHORITY.

''To carry out the activities of the Museum, the Secretary may—

''(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

''(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

''(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

''(2) operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

''(A) relevant to the contents of the Museum; and

''(B) informative, educational, and tasteful;

''(3) collect reasonable fees where feasible and appropriate;

''(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

''(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines; and

''(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.

''SEC. 3. MUSEUM VOLUNTEERS.

''(a) AUTHORITY TO USE VOLUNTEERS.—The Secretary may recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.

''(b) STATUS OF VOLUNTEERS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), service by a volunteer under subsection (a) shall not be considered Federal employment.

''(2) EXCEPTIONS.—

''(A) FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code, a volunteer under subsection (a) shall be treated as an employee of the government (as defined in section 2671 of that title).

''(B) COMPENSATION FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code, a volunteer described in subsection (a) shall be treated as an employee (as defined in section 8101 of title 5, United States Code).

''(c) COMPENSATION.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

''SEC. 4. DEFINITIONS.

''For purposes of this Act:

''(1) MUSEUM.—The term 'Museum' means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Energy or a designated representative of the Secretary.''.

HEALTH CARE FAIRNESS ACT OF 1999

FRIST (AND OTHERS) AMENDMENT NO. 4349

Mr. BROWNBACK (for Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, Mr. ENZI, Mr. WELLSTONE, Mr. HUTCHINSON, Mrs. MURRAY, Ms. COLLINS, Mr. AKAKA, Mr. BOND, Mr. LAUTENBERG, Mr. HATCH, Mr. CLELAND, and Mr. SESSIONS)) proposed an amendment to the bill (S. 1880) to amend the Public Health Service Act to improve the health of minority individuals; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Minority Health and Health Disparities Research and Education Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Despite notable progress in the overall health of the Nation, there are continuing disparities in the burden of illness and death experienced by African Americans, Hispanics, Native Americans, Alaska Natives, and Asian Pacific Islanders, compared to the United States population as a whole.

(2) The largest numbers of the medically underserved are white individuals, and many of them have the same health care access problems as do members of minority groups. Nearly 20,000,000 white individuals live below the poverty line with many living in nonmetropolitan, rural areas such as Appalachia, where the high percentage of counties designated as health professional shortage areas (47 percent) and the high rate of poverty contribute to disparity outcomes. However, there is a higher proportion of racial and ethnic minorities in the United States represented among the medically underserved.

(3) There is a national need for minority scientists in the fields of biomedical, clinical, behavioral, and health services research. Ninety percent of minority physicians educated at Historically Black Medical Colleges live and serve in minority communities.

(4) Demographic trends inspire concern about the Nation's ability to meet its future scientific, technological and engineering workforce needs. Historically, non-Hispanic white males have made up the majority of the United States scientific, technological, and engineering workers.

(5) The Hispanic and Black population will increase significantly in the next 50 years. The scientific, technological, and engineering workforce may decrease if participation by underepresented minorities remains the same.

(6) Increasing rates of Black and Hispanic workers can help ensure strong scientific, technological, and engineering workforce.

(7) Individuals such as underepresented minorities and women in the scientific, technological, and engineering workforce enable society to address its diverse needs.

(8) If there had not been a substantial increase in the number of science and engineering degrees awarded to women and underepresented minorities over the past few decades, the United States would be facing even greater shortages in scientific, technological, and engineering workers.

(9) In order to effectively promote a diverse and strong 21st Century scientific, technological, and engineering workforce, Federal agencies should expand or add programs that effectively overcome barriers such as educational transition from one level to the next and student requirements for financial resources.

(10) Federal agencies should work in concert with the private nonprofit sector to emphasize the recruitment and retention of qualified individuals from ethnic and gender groups that are currently underrepresented in the scientific, technological, and engineering workforce.

(11) Behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access,patient attitudes toward health services, and risk and protective behaviors that affect health and illness. These factors have the potential to then be modified to help close the health disparities gap among ethnic minority populations. In addition, there is a shortage of minority behavioral science researchers and behavioral health care professionals. According to the National Science Foundation, only 15.5 percent of behavioral research-oriented psychology doctorate degrees were awarded to minority students in 1997. In addition, only 17.9 percent of practice-oriented psychology doctorate degrees were awarded to ethnic minorities.

TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER

SEC. 101. ESTABLISHMENT OF NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES.

(a) IN GENERAL.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following subpart:

''Subpart 6—National Center on Minority Health and Health Disparities

''SEC. 485E. PURPOSE OF CENTER.

''(a) IN GENERAL.—The general purpose of the National Center on Minority Health and Health Disparities (in this subpart referred to as the 'Center') is the conduct and support of research, training, dissemination of information, and other programs with respect to minority health conditions and other populations with health disparities.

''(b) PRIORITIES.—The Director of the Center shall in expending amounts appropriated under this subpart give priority to conducting and supporting minority health disparities research.

''(c) MINORITY HEALTH DISPARITIES RESEARCH.—For purposes of this subpart:

''(1) The term 'minority health disparities research' means basic, clinical, and behavioral research on minority health conditions (as defined in paragraph (2)), including research to prevent, diagnose, and treat such conditions.

''(2) The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health and substance abuse)—

''(A) unique to, more serious, or more prevalent in such individuals;

''(B) for which the factors of medical risk or types of medical intervention may be different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

''(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

''(3) The term 'minority group' has the meaning given the term 'racial and ethnic minority group' in section 1707.

''(4) The terms 'minority' and 'minorities' refer to individuals from a minority group.

''(d) HEALTH DISPARITY POPULATIONS.—For purposes of this subpart:

''(1) A population is a health disparity population if, as determined by the Director of the Center after consultation with the Director of the Agency for Healthcare Research and Quality, there is a significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population.

''(2) The Director shall give priority consideration to determining whether minority groups qualify as health disparity populations under paragraph (1).

''(3) The term 'health disparities research' means basic, clinical, and behavioral research on health disparity populations (including individual members and communities of such populations) that relates to health disparities as defined under paragraph (1), including the causes of such disparities and methods to prevent, diagnose, and treat such disparities.

''(e) COORDINATION OF ACTIVITIES.—The Director of the Center shall act as the primary

Federal official with responsibility for coordinating all minority health disparities research and other health disparities research conducted or supported by the National Institutes of Health, and—

''(1) shall represent the health disparities research program of the National Institutes of Health, including the minority health disparities research program, at all relevant Executive branch task forces, committees and planning activities; and

''(2) shall maintain communications with all relevant Public Health Service agencies, including the Indian Health Service, and various other departments of the Federal Government to ensure the timely transmission of information concerning advances in minority health disparities research and other health disparities research between these various agencies for dissemination to affected communities and health care providers.

''(f) COLLABORATIVE COMPREHENSIVE PLAN AND BUDGET.—

''(1) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of NIH, the Director of the Center, and the directors of the other agencies of the National Institutes of Health in collaboration (and in consultation with the advisory council for the Center) shall—

''(A) establish a comprehensive plan and budget for the conduct and support of all minority health disparities research and other health disparities research activities of the agencies of the National Institutes of Health (which plan and budget shall be first established under this subsection not later than 12 months after the date of the enactment of this subpart);

''(B) ensure that the plan and budget establish priorities among the health disparities research activities that such agencies are authorized to carry out;

''(C) ensure that the plan and budget establish objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

''(D) ensure that, with respect to amounts appropriated for activities of the Center, the plan and budget give priority in the expenditure of funds to conducting and supporting minority health disparities research;

''(E) ensure that all amounts appropriated for such activities are expended in accordance with the plan and budget;

''(F) review the plan and budget not less than annually, and revise the plan and budget as appropriate;

''(G) ensure that the plan and budget serve as a broad, binding statement of policies regarding minority health disparities research and other health disparities research activities of the agencies, but do not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the plan and budget; and

''(H) promote coordination and collaboration among the agencies conducting or supporting minority health or other health disparities research.

''(2) CERTAIN COMPONENTS OF PLAN AND BUDGET.—With respect to health disparities research activities of the agencies of the National Institutes of Health, the Director of the Center shall ensure that the plan and budget under paragraph (1) provide for—

''(A) basic research and applied research, including research and development with respect to products;

''(B) research that is conducted by the agencies;

''(C) research that is supported by the agencies;

''(D) proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

''(E) behavioral research and social sciences research, which may include cultural and linguistic research in each of the agencies.

''(3) MINORITY HEALTH DISPARITIES RESEARCH.—The plan and budget under paragraph (1) shall include a separate statement of the plan and budget for minority health disparities research.

''(g) PARTICIPATION IN CLINICAL RESEARCH.—The Director of the Center shall work with the Director of NIH and the directors of the agencies of the National Institutes of Health to carry out the provisions of section 492B that relate to minority groups.

''(h) RESEARCH ENDOWMENTS.—

''(1) IN GENERAL.—The Director of the Center may carry out a program to facilitate minority health disparities research and other health disparities research by providing for research endowments at centers of excellence under section 736.

''(2) ELIGIBILITY.—The Director of the Center may provide for a research endowment under paragraph (1) only if the institution involved meets the following conditions:

''(A) The institution does not have an endowment that is worth in excess of an amount equal to 50 percent of the national average of endowment funds at institutions that conduct similar biomedical research or training of health professionals.

''(B) The application of the institution under paragraph (1) regarding a research endowment has been recommended pursuant to technical and scientific peer review and has been approved by the advisory council under subsection (j).

''(i) CERTAIN ACTIVITIES.—In carrying out subsection (a), the Director of the Center—

''(1) shall assist the Director of the National Center for Research Resources in carrying out section 481(c)(3) and in committing resources for construction at Institutions of Emerging Excellence;

''(2) shall establish projects to promote cooperation among Federal agencies, State, local, tribal, and regional public health agencies, and private entities in health disparities research; and

''(3) may utilize information from previous health initiatives concerning minorities and other health disparity populations.

''(j) ADVISORY COUNCIL.—

''(1) IN GENERAL.—The Secretary shall, in accordance with section 406, establish an advisory council to advise, assist, consult with, and make recommendations to the Director of the Center on matters relating to the activities described in subsection (a), and with respect to such activities to carry out any other functions described in section 406 for advisory councils under such section. Functions under the preceding sentence shall include making recommendations on budgetary allocations made in the plan under subsection (f), and shall include reviewing reports under subsection (k) before the reports are submitted under such subsection.

''(2) MEMBERSHIP.—With respect to the membership of the advisory council under paragraph (1), a majority of the members shall be individuals with demonstrated expertise regarding minority health disparity and other health disparity issues; representatives of communities impacted by minority and other health disparities shall be included; and a diversity of health professionals shall be represented. The membership shall in addition include a representative of the Office of Behavioral and Social Sciences Research under section 404A.

''(k) ANNUAL REPORT.—The Director of the Center shall prepare an annual report on the activities carried out or to be carried out by the Center, and shall submit each such report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Commerce of the House of Representatives, the Secretary, and the Director of NIH. With respect to the fiscal year involved, the report shall—

''(1) describe and evaluate the progress made in health disparities research conducted or supported by the national research institutes;

''(2) summarize and analyze expenditures made for activities with respect to health disparities research conducted or supported by the National Institutes of Health;

''(3) include a separate statement applying the requirements of paragraphs (1) and (2) specifically to minority health disparities research; and

''(4) contain such recommendations as the Director considers appropriate.

''(l) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for the conduct and support of minority health disparities research or other health disparities research by the agencies of the National Institutes of Health.''.

(b) CONFORMING AMENDMENT.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)—

(A) in subparagraph (F), by moving the subparagraph two ems to the left; and

(B) by adding at the end the following subparagraph:

''(G) The National Center on Minority Health and Health Disparities.''; and

(2) by striking section 404.

SEC. 102. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

Subpart 6 of part E of title IV of the Public Health Service Act, as added by section 101(a) of this Act, is amended by adding at the end the following section:

''SEC. 485F. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

''(a) IN GENERAL.—The Director of the Center shall make awards of grants or contracts to designated biomedical and behavioral research institutions under paragraph (1) of subsection (c), or to consortia under paragraph (2) of such subsection, for the purpose of assisting the institutions in supporting programs of excellence in biomedical and behavioral research training for individuals who are members of minority health disparity populations or other health disparity populations.

''(b) REQUIRED USE OF FUNDS.—An award may be made under subsection (a) only if the applicant involved agrees that the grant will be expended—

''(1) to train members of minority health disparity populations or other health disparity populations as professionals in the area of biomedical or behavioral research or both; or

''(2) to expand, remodel, renovate, or alter existing research facilities or construct new research facilities for the purpose of conducting minority health disparities research and other health disparities research.

''(c) CENTERS OF EXCELLENCE.—

''(1) IN GENERAL.—For purposes of this section, a designated biomedical and behavioral research institution is a biomedical and behavioral research institution that—

''(A) has a significant number of members of minority health disparity populations or other health disparity populations enrolled

as students in the institution (including individuals accepted for enrollment in the institution);

''(B) has been effective in assisting such students of the institution to complete the program of education or training and receive the degree involved;

''(C) has made significant efforts to recruit minority students to enroll in and graduate from the institution, which may include providing means-tested scholarships and other financial assistance as appropriate; and

''(D) has made significant recruitment efforts to increase the number of minority or other members of health disparity populations serving in faculty or administrative positions at the institution.

''(2) CONSORTIUM.—Any designated biomedical and behavioral research institution involved may, with other biomedical and behavioral institutions (designated or otherwise), including tribal health programs, form a consortium to receive an award under subsection (a).

''(3) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Director of the Center for purposes of determining whether institutions meet the conditions described in paragraph (1), this section may not, with respect to minority health disparity populations or other health disparity populations, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

''(d) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Director of the Center and to the availability of appropriations for the fiscal year involved to make the payments.

''(e) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—With respect to activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may not make such an award to a designated research institution or consortium for any fiscal year unless the institution, or institutions in the consortium, as the case may be, agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the institutions involved for the fiscal year preceding the fiscal year for which such institutions receive such an award.

''(2) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a designated research institution or consortium and available for carrying out activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may make such an award only if the institutions involved agree that the institutions will, before expending the award, expend the Federal amounts obtained from sources other than the award.

''(f) CERTAIN EXPENDITURES.—The Director of the Center may authorize a designated biomedical and behavioral research institution to expend a portion of an award under subsection (a) for research endowments.

''(g) DEFINITIONS.—For purposes of this section:

''(1) The term 'designated biomedical and behavioral research institution' has the meaning indicated for such term in subsection (c)(1). Such term includes any health professions school receiving an award of a grant or contract under section 736.

''(2) The term 'program of excellence' means any program carried out by a designated biomedical and behavioral research institution with an award under subsection (a), if the program is for purposes for which the institution involved is authorized in subsection (b) to expend the grant.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

SEC. 103. EXTRAMURAL LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 102 of this Act, is amended by adding at the end the following section:

''SEC. 485G. LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

''(a) IN GENERAL.—The Director of the Center shall establish a program of entering into contracts with qualified health professionals under which such health professionals agree to engage in minority health disparities research or other health disparities research in consideration of the Federal Government agreeing to repay, for each year of engaging in such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(b) SERVICE PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(c) REQUIREMENT REGARDING HEALTH DISPARITY POPULATIONS.—The Director of the Center shall ensure that not fewer than 50 percent of the contracts entered into under subsection (a) are for appropriately qualified health professionals who are members of a health disparity population.

''(d) PRIORITY.—With respect to minority health disparities research and other health disparities research under subsection (a), the Secretary shall ensure that priority is given to conducting projects of biomedical research.

''(e) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(2) AVAILABILITY OF APPROPRIATIONS.—Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.''.

SEC. 104. GENERAL PROVISIONS REGARDING THE CENTER.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 103 of this Act, is amended by adding at the end the following section:

''SEC. 485H. GENERAL PROVISIONS REGARDING THE CENTER.

''(a) ADMINISTRATIVE SUPPORT FOR CENTER.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Center and shall ensure that such support takes maximum advantage of existing administrative structures at the agencies of the National Institutes of Health.

''(b) EVALUATION AND REPORT.—

''(1) EVALUATION.—Not later than 5 years after the date of the enactment of this subpart, the Secretary shall conduct an evaluation to—

''(A) determine the effect of this subpart on the planning and coordination of health disparities research programs at the agencies of the National Institutes of Health;

''(B) evaluate the extent to which this subpart has eliminated the duplication of administrative resources among such Institutes, centers and divisions; and

''(C) provide, to the extent determined by the Secretary to be appropriate, recommendations concerning future legislative modifications with respect to this subpart, for both minority health disparities research and other health disparities research.

''(2) MINORITY HEALTH DISPARITIES RESEARCH.—The evaluation under paragraph (1) shall include a separate statement that applies subparagraphs (A) and (B) of such paragraph to minority health disparities research.

''(3) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Commerce of the House of Representatives, a report concerning the results of such evaluation.''.

SEC. 105. REPORT REGARDING RESOURCES OF NATIONAL INSTITUTES OF HEALTH DEDICATED TO MINORITY AND OTHER HEALTH DISPARITIES RESEARCH.

Not later than December 1, 2003, the Director of the National Center on Minority Health and Health Disparities (established by the amendment made by section 101(a)), after consultation with the advisory council for such Center, shall submit to the Congress, the Secretary of Health and Human Services, and the Director of the National Institutes of Health a report that provides the following:

(1) Recommendations for the methodology that should be used to determine the extent of the resources of the National Institutes of Health that are dedicated to minority health disparities research and other health disparities research, including determining the amount of funds that are used to conduct and support such research. With respect to such methodology, the report shall address any discrepancies between the methodology used by such Institutes as of the date of the enactment of this Act and the methodology used by the Institute of Medicine as of such date.

(2) A determination of whether and to what extent, relative to fiscal year 1999, there has been an increase in the level of resources of the National Institutes of Health that are dedicated to minority health disparities research, including the amount of funds used to conduct and support such research. The report shall include provisions describing whether and to what extent there have been increases in the number and amount of awards to minority serving institutions.

TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

SEC. 201. HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

(a) GENERAL.—Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 902, by striking subsection (g); and

(2) by adding at the end the following:

''SEC. 903. RESEARCH ON HEALTH DISPARITIES.

''(a) IN GENERAL.—The Director shall—

''(1) conduct and support research to identify populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to and satisfaction with such services, as compared to the general population;

''(2) conduct and support research on the causes of and barriers to reducing the health disparities identified in paragraph (1), taking into account such factors as socioeconomic

status, attitudes toward health, the language spoken, the extent of formal education, the area or community in which the population resides, and other factors the Director determines to be appropriate;

''(3) conduct and support research and support demonstration projects to identify, test, and evaluate strategies for reducing or eliminating health disparities, including development or identification of effective service delivery models, and disseminate effective strategies and models;

''(4) develop measures and tools for the assessment and improvement of the outcomes, quality, and appropriateness of health care services provided to health disparity populations;

''(5) in carrying out section 902(c), provide support to increase the number of researchers who are members of health disparity populations, and the health services research capacity of institutions that train such researchers; and

''(6) beginning with fiscal year 2003, annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

''(b) RESEARCH AND DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Director shall conduct and support research and support demonstrations to—

''(A) identify the clinical, cultural, socioeconomic, geographic, and organizational factors that contribute to health disparities, including minority health disparity populations, which research shall include behavioral research, such as examination of patterns of clinical decisionmaking, and research on access, outreach, and the availability of related support services (such as cultural and linguistic services);

''(B) identify and evaluate clinical and organizational strategies to improve the quality, outcomes, and access to care for health disparity populations, including minority health disparity populations;

''(C) test such strategies and widely disseminate those strategies for which there is scientific evidence of effectiveness; and

''(D) determine the most effective approaches for disseminating research findings to health disparity populations, including minority populations.

''(2) USE OF CERTAIN STRATEGIES.—In carrying out this section, the Director shall implement research strategies and mechanisms that will enhance the involvement of individuals who are members of minority health disparity populations or other health disparity populations, health services researchers who are such individuals, institutions that train such individuals as researchers, members of minority health disparity populations or other health disparity populations for whom the Agency is attempting to improve the quality and outcomes of care, and representatives of appropriate tribal or other community-based organizations with respect to health disparity populations. Such research strategies and mechanisms may include the use of—

''(A) centers of excellence that can demonstrate, either individually or through consortia, a combination of multi-disciplinary expertise in outcomes or quality improvement research, linkages to relevant sites of care, and a demonstrated capacity to involve members and communities of health disparity populations, including minority health disparity populations, in the planning, conduct, dissemination, and translation of research;

''(B) provider-based research networks, including health plans, facilities, or delivery system sites of care (especially primary care), that make extensive use of health care providers who are members of health disparity populations or who serve patients in such populations and have the capacity to evaluate and promote quality improvement;

''(C) service delivery models (such as health centers under section 330 and the Indian Health Service) to reduce health disparities; and

''(D) innovative mechanisms or strategies that will facilitate the translation of past research investments into clinical practices that can reasonably be expected to benefit these populations.

''(c) QUALITY MEASUREMENT DEVELOPMENT.—

''(1) IN GENERAL.—To ensure that health disparity populations, including minority health disparity populations, benefit from the progress made in the ability of individuals to measure the quality of health care delivery, the Director shall support the development of quality of health care measures that assess the experience of such populations with health care systems, such as measures that assess the access of such populations to health care, the cultural competence of the care provided, the quality of the care provided, the outcomes of care, or other aspects of health care practice that the Director determines to be important.

''(2) EXAMINATION OF CERTAIN PRACTICES.—The Director shall examine the practices of providers that have a record of reducing health disparities or have experience in providing culturally competent health services to minority health disparity populations or other health disparity populations. In examining such practices of providers funded under the authorities of this Act, the Director shall consult with the heads of the relevant agencies of the Public Health Service.

''(3) REPORT.—Not later than 36 months after the date of the enactment of this section, the Secretary, acting through the Director, shall prepare and submit to the appropriate committees of Congress a report describing the state-of-the-art of quality measurement for minority and other health disparity populations that will identify critical unmet needs, the current activities of the Department to address those needs, and a description of related activities in the private sector.

''(d) DEFINITION.—For purposes of this section:

''(1) The term 'health disparity population' has the meaning given such term in section 485E, except that in addition to the meaning so given, the Director may determine that such term includes populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to or satisfaction with such services as compared to the general population.

''(2) The term 'minority', with respect to populations, refers to racial and ethnic minority groups as defined in section 1707.''.

(b) FUNDING.—Section 927 of the Public Health Service Act (42 U.S.C. 299c–6) is amended by adding at the end the following:

''(d) HEALTH DISPARITIES RESEARCH.—For the purpose of carrying out the activities under section 903, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.''.

TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY

SEC. 301. STUDY AND REPORT BY NATIONAL ACADEMY OF SCIENCES.

(a) STUDY.—The National Academy of Sciences shall conduct a comprehensive study of the Department of Health and Human Services' data collection systems and practices, and any data collection or reporting systems required under any of the programs or activities of the Department, relating to the collection of data on race or ethnicity, including other Federal data collection systems (such as the Social Security Administration) with which the Department interacts to collect relevant data on race and ethnicity.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that—

(1) identifies the data needed to support efforts to evaluate the effects of socioeconomic status, race and ethnicity on access to health care and other services and on disparity in health and other social outcomes and the data needed to enforce existing protections for equal access to health care;

(2) examines the effectiveness of the systems and practices of the Department of Health and Human Services described in subsection (a), including pilot and demonstration projects of the Department, and the effectiveness of selected systems and practices of other Federal, State, and tribal agencies and the private sector, in collecting and analyzing such data;

(3) contains recommendations for ensuring that the Department of Health and Human Services, in administering its entire array of programs and activities, collects, or causes to be collected, reliable and complete information relating to race and ethnicity; and

(4) includes projections about the costs associated with the implementation of the recommendations described in paragraph (3), and the possible effects of the costs on program operations.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001.

TITLE IV—HEALTH PROFESSIONS EDUCATION

SEC. 401. HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by inserting after section 740 the following:

''SEC. 741. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

''(a) GRANTS FOR HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to public and nonprofit private entities (including tribal entities) for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education of health professionals for the reduction of disparities in health care outcomes and the provision of culturally competent health care.

''(2) ELIGIBLE ENTITIES.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this section from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities (or consortia of entities, including entities promoting multidisciplinary approaches) for funding and participation in health professions training activities. The Secretary may accept applications from for-profit private

entities as determined appropriate by the Secretary.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a), $3,500,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, $7,000,000 for fiscal year 2003, and $3,500,000 for fiscal year 2004.''.

(b) NURSING EDUCATION.—Part A of title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) by redesignating section 807 as section 808; and

(2) by inserting after section 806 the following:

''SEC. 807. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

''(a) GRANTS FOR HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to eligible entities for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education for the reduction of disparities in health care outcomes and the provision of culturally competent health care. Grants under this section shall be the same as provided in section 741.''.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are to be appropriated to carry out subsection (a) such sums as may be necessary for each of the fiscal years 2001 through 2004.''.

SEC. 402. NATIONAL CONFERENCE ON HEALTH PROFESSIONS EDUCATION AND HEALTH DISPARITIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the Administrator of the Health Resources and Services Administration, shall convene a national conference on health professions education as a method for reducing disparities in health outcomes.

(b) PARTICIPANTS.—The Secretary shall include in the national conference convened under subsection (a) advocacy groups and educational entities as described in section 741 of the Public Health Service Act (as added by section 401), tribal health programs, health centers under section 330 of such Act, and other interested parties.

(c) ISSUES.—The national conference convened under subsection (a) shall include, but is not limited to, issues that address the role and impact of health professions education on the reduction of disparities in health outcomes, including the role of education on cultural competency. The conference shall focus on methods to achieve reductions in disparities in health outcomes through health professions education (including continuing education programs) and strategies for outcomes measurement to assess the effectiveness of education in reducing disparities.

(d) PUBLICATION OF FINDINGS.—Not later than 6 months after the national conference under subsection (a) has convened, the Secretary shall publish in the Federal Register a summary of the proceedings and findings of the conference.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 403. ADVISORY RESPONSIBILITIES IN HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.

Section 1707 of the Public Health Service Act (42 U.S.C. 300u-6) is amended—

(1) in subsection (b), by adding at the end the following paragraph:

''(10) Advise in matters related to the development, implementation, and evaluation of health professions education in decreasing disparities in health care outcomes, including cultural competency as a method of eliminating health disparities.'';

(2) in subsection (c)(2), by striking ''paragraphs (1) through (9)'' and inserting ''paragraphs (1) through (10)''; and

(3) in subsection (d), by amending paragraph (1) to read as follows:

''(1) RECOMMENDATIONS REGARDING LANGUAGE.—

''(A) PROFICIENCY IN SPEAKING ENGLISH.—The Deputy Assistant Secretary shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

''(B) HEALTH PROFESSIONS EDUCATION REGARDING HEALTH DISPARITIES.—The Deputy Assistant Secretary shall carry out the duties under subsection (b)(10) in collaboration with appropriate personnel of the Department of Health of Human Services, other Federal agencies, and other offices, centers, and institutions, as appropriate, that have responsibilities under the Minority Health and Health Disparities Research and Education Act of 2000.''.

TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES

SEC. 501. PUBLIC AWARENESS AND INFORMATION DISSEMINATION.

(a) PUBLIC AWARENESS ON HEALTH DISPARITIES.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a national campaign to inform the public and health care professionals about health disparities in minority and other underserved populations by disseminating information and materials available on specific diseases affecting these populations and programs and activities to address these disparities. The campaign shall—

(1) have a specific focus on minority and other underserved communities with health disparities; and

(2) include an evaluation component to assess the impact of the national campaign in raising awareness of health disparities and information on available resources.

(b) DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES.—The Secretary shall develop and implement a plan for the dissemination of information and findings with respect to health disparities under titles I, II, III, and IV of this Act. The plan shall—

(1) include the participation of all agencies of the Department of Health and Human Services that are responsible for serving populations included in the health disparities research; and

(2) have agency-specific strategies for disseminating relevant findings and information on health disparities and improving health care services to affected communities.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. DEPARTMENTAL DEFINITION REGARDING MINORITY INDIVIDUALS.

Section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) by striking ''Asian Americans and'' and inserting ''Asian Americans;''; and

(2) by inserting ''Native Hawaiians and other'' before ''Pacific Islanders;''.

SEC. 602. CONFORMING PROVISION REGARDING DEFINITIONS.

For purposes of this Act, the term ''racial and ethnic minority group'' has the meaning given such term in section 1707 of the Public Health Service Act.

SEC. 603. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that David Bowen, a fellow on the committee, be granted privileges of the floor for the remainder of the session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that a fellow from the office of Senator JOHNSON, Bryan Kaatz, be allowed floor privileges during the remainder of this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that floor privileges be granted to Jerry Pannullo, John Sparrow, Valerie Mark, and Ben Gann of the Finance Committee staff until the end of the session. I make that request on behalf of Senator MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARIFF SUSPENSION AND TRADE ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 4868.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4868) entitled ''An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes'', with the following House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tariff Suspension and Trade Act of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.07.10	9902.29.89	9902.30.55
9902.08.07	9902.29.94	9902.30.57
9902.29.10	9902.29.99	9902.30.61
9902.29.14	9902.30.00	9902.30.62
9902.29.22	9902.30.05	9902.30.81
9902.29.25	9902.30.08	9902.30.82
9902.29.27	9902.30.11	9902.30.85
9902.29.30	9902.30.13	9902.30.88
9902.29.31	9902.30.14	9902.30.94
9902.29.33	9902.30.15	9902.30.95
9902.29.38	9902.30.21	9902.30.97
9902.29.39	9902.30.23	9902.31.05
9902.29.40	9902.30.25	9902.38.07
9902.29.41	9902.30.27	9902.39.08
9902.29.42	9902.30.30	9902.39.10
9902.29.47	9902.30.32	9902.44.21
9902.29.48	9902.30.34	9902.57.02
9902.29.49	9902.30.35	9902.62.01
9902.29.56	9902.30.36	9902.62.04
9902.29.59	9902.30.37	9902.64.02
9902.29.64	9902.30.39	9902.70.12
9902.29.70	9902.30.40	9902.70.13
9902.29.71	9902.30.42	9902.70.14
9902.29.73	9902.30.43	9902.70.15
9902.29.77	9902.30.46	9902.78.01
9902.29.78	9902.30.47	9902.84.47
9902.29.79	9902.30.48	9902.85.40
9902.29.80	9902.30.50	9902.85.44
9902.29.81	9902.30.51	9902.98.00
9902.29.83	9902.30.52	
9902.29.84		

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.98	[4R- [3(2S*,3S*), 4R*]]-3-[2-Hydroxy-3-[(3-hydroxy-2-methyl- benzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-[(2-methylphenyl)-methyl]-4-thiazolidine-carboxamide (CAS No. 186538–00–1) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1102. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.99	5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1H-imidazole-2-methanol carbamate (CAS No. 178979–85–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1103. TRIACETONEAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.80	2,2,6,6-Tetramethyl-4-piperidine (CAS No. 826–36–8) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1104. INSTANT PRINT FILM IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.37.02	Instant print film, in rolls (provided for in subheading 3702.20.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1105. COLOR INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.37.01	Instant print film of a kind used for color photography (provided for in subheading 3701.20.00)	2.8%	No change	No change	On or before 12/31/2003	''.

SEC. 1106. MIXTURES OF SENNOSIDES AND MIXTURES OF SENNOSIDES AND THEIR SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.75	Mixtures of sennosides and mixtures of sennosides and their salts (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1107. CIBACRON RED LS–B HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.04	Reactive Red 270 (CAS No. 155522–05–7) (provided for in subheading 3204.16.30) ...	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1108. CIBACRON BRILLIANT BLUE FN–G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.88	6,13-Dichloro-3,10-bis[[2-[[4-fluoro-6-[(2-sulfonyl)amino]-1,3,5-triazin-2-yl]amino]propyl]amino]-4,11-triphenodioxazinedisulfonic acid lithium sodium salt (CAS No. 163062–28–0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1109. CIBACRON SCARLET LS–2G HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.86	Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1110. MUB 738 INT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.91	2-Amino-4-(4-aminobenzoylamino)-benzenesulfonic acid (CAS No. 167614–37–1) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1111. FENBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.87	α-(2-(4-Chlorophenyl)ethyl-α-phenyl-1H-1,2,4-triazole-1-propanenitrile (Fenbuconazole) (CAS No. 114369–43–6) (provided for in subheading 2933.90.06)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1112. 2,6-DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.82	2,6-Dichlorotoluene (CAS No. 118–69–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1113. 3-AMINO-3-METHYL-1-PENTYNE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.84	3-Amino-3-methyl-1-pentyne (CAS No. 18369–96–5) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1114. TRIAZAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.89	Acetic acid, [[1-[(dimethylamino)carbonyl]-3-(1,1-dimethylethyl)-1H-1,2,4-triazol-5-yl]thio]-, ethyl ester (CAS No. 112143–82–5) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1115. METHOXYFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.93	Benzoic acid, 3-methoxy-2-methyl-,2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide (CAS No. 161050–58–4) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1116. 1-FLUORO-2-NITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.04	1-Fluoro-2-nitrobenzene (CAS No. 001493–27–2) (provided for in subheading 2904.90.30)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1117. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.03	p-Hydroxybenzoic acid (CAS No. 99–96–7) (provided for in subheading 2918.29.22)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1118. THQ (TOLUHYDROQUINONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.05	Toluhydroquinone, (CAS No. 95–71–6) (provided for in subheading 2907.29.90)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1119. 2,4-DICUMYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.19.80	2,4-Dicumylphenol (CAS No. 2772–45–4) (provided for in subheading 2907.19.20 or 2907.19.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1120. CERTAIN CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.85.42	Cathode-ray data/graphic display tubes, color, with a less than 90 degree deflection (provided for in subheading 8540.60.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1121. OTHER CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.85.41	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm, and with a less than 90 degree deflection (provided for in subheading 8540.40.00)	1%	No change	No change	On or before 12/31/2003	''.

SEC. 1122. CERTAIN RAW COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

''	9902.52.01	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in general note 15 of the tariff schedule and entered pursuant to its provisions (provided for in subheading 5201.00.22)	Free	No change	No change	On or before 12/31/2003	
	9902.52.03	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in additional U.S. note 7 of chapter 52 and entered pursuant to its provisions (provided for in subheading 5201.00.34)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1123. RHINOVIRUS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.97	(2E,4S)-4-(((2R,5S)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-(((5-methyl-3-isoxazolyl)-carbonyly) amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester (CAS No. 223537–30–2) (provided for in subheading 2934.90.39)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1124. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.00	N-sec-Butyl-4-tert-butyl-2,6-dinitroaniline (CAS No. 33629–47–9) or preparations thereof (provided for in subheading 2921.42.90 or 3808.31.15)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1125. BRANCHED DODECYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.01	Branched dodecylbenzenes (CAS No. 123–01–3) (provided for in subheading 2902.90.30)	Free	Free	No change	On or before 12/31/2003	".

SEC. 1126. CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.96	(4-Fluorophenyl)-[3-[(4-fluorophenyl)-ethynyl]phenyl]methanone (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1127. CERTAIN LIGHT ABSORBING PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.55	4-Chloro-3-[4-[[4-(dimethylamino)phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-yl]benzenesulfonic acid, compound with pyridine (1:1) (CAS No. 160828–81–9) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1128. FILTER BLUE GREEN PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.62	Iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes (CAS No. 85187–44–6) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1129. CERTAIN LIGHT ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.34	4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (CAS No. 109940–17–2); 4-[3-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066–12–9); 4-[4,5-dihydro-4-[[5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H- pyrazol-4-yl]methylene]-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, dipotassium salt (CAS No. 94266–02–1); 4-[4-[[4-(Dimethylamino)-phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-l-yl]benzenesulfonic acid, potassium salt (CAS No. 27268–31–1); 4,5-dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt; and 4-[5-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazol-4-yl]-2,4- pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863–74–4) (all of the foregoing provided for in subheading 2933.19.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1130. 4,4'-DIFLUOROBENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.85	Bis(4-fluorophenyl)methanone (CAS No. 345–92–6) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1131. A FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.14	(4-Fluorophenyl)phenylmethanone (CAS No. 345–83–5) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1132. DITMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.10	Di-trimethylolpropane (CAS No. 23235–61–2 (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1133. HPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.09	Hydroxypivalic acid (CAS No. 4835–90–9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1134. APE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.15	Allyl pentaerythritol (CAS No. 1471–18–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1135. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.58	Trimethylolpropane, diallyl ether (CAS No. 682–09–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1136. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.59	Trimethylolpropane monoallyl ether (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1137. TUNGSTEN CONCENTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.26.11	Tungsten concentrates (provided for in subheading 2611.00.60)	Free	No Change	No change	On or before 12/31/2003	".

SEC. 1138. 2 CHLORO AMINO TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.62	2-Chloro-p-toluidine (CAS No. 95–74–9) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1139. CERTAIN ION-EXCHANGE RESINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.39.30	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, ethenylethylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353–60–5) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.31	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with 1,2,4-triethylenylcyclohexane, hydrolyzed (CAS No. 109961–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.32	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, hydrolyzed (CAS No. 135832–76–7) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1140. 11-AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.49	11-Aminoundecanoic acid (CAS No. 2432–99–7) (provided for in subheading 2922.49.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1141. DIMETHOXY BUTANONE (DMB).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.16	4,4-Dimethoxy-2-butanone (CAS No. 5436–21–5) (provided for in subheading 2914.50.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1142. DICHLORO ANILINE (DCA).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.17	2,6-Dichloro aniline (CAS No. 608–31–1) (provided for in subheading 2921.42.90) ...	Free	No change	No change	On or before 12/31/2003	".

SEC. 1143. DIPHENYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.06	Diphenyl sulfide (CAS No. 139–66–2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1144. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.02	α,α,α-Trifluoro-2,6-dinitro-p-toluidine (CAS No. 1582–09–8) (provided for in subheading 2921.43.15)	3.3%	No change	No change	On or before 12/31/2003	".

SEC. 1145. DIETHYL IMIDAZOLIDINONE (DMI).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.26	1,3-Diethyl-2-imidazolidinone (CAS No. 80–73–9) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1146. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.30.49	N-Ethyl-N-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)- benzenamine (CAS No. 55283–68–6) (provided for in subheading 2921.43.80)	3.5%	No change	No change	On or before 12/31/2003	".

SEC. 1147. BENFLURALIN.

Subchapter II of chapter 99 is amended by striking heading 9902.29.59 and by inserting the following new heading:

"	9902.29.59	N-Butyl-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine (CAS No. 1861–40–1) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1148. 3-AMINO-5-MERCAPTO-1,2,4-TRIAZOLE (AMT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.08	3-Amino-5-mercapto-1,2,4-triazole (CAS No. 16691–43–3) (provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1149. DIETHYL PHOSPHOROCHLORODOTHIOATE (DEPCT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.58	O,O-Diethyl phosphorochlorodothioate (CAS No. 2524–04–1) (provided for in subheading 2920.10.50)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1150. REFINED QUINOLINE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.29.61	Quinoline (CAS No. 91–22–5) (provided for in subheading 2933.40.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1151. DMDS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.33.92	2,2-Dithiobis(8-fluoro-5-methoxy)-1,2,4- triazolo[1,5-c] pyrimidine (CAS No. 166524–74–9) (provided for in subheading 2933.59.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1152. VISION INSPECTION SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.90.20	Automated visual inspection systems of a kind used for physical inspection of capacitors (provided for in subheadings 9031.49.90 and 9031.80.80)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1153. ANODE PRESSES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.84.70	Presses for pressing tantalum powder into anodes (provided for in subheading 8462.99.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1154. TRIM AND FORM MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.84.40	Trimming and forming machines used in the manufacture of surface mounted electronic components other than semiconductors prior to marking (provided for in subheadings 8462.21.80, 8462.29.80, and 8463.30.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1155. CERTAIN ASSEMBLY MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.84.30	Assembly machines for assembling anodes to lead frames (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1156. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.01	Thionyl chloride (CAS No. 7719–09–7) (provided for in subheading 2812.10.50)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1157. PHENYLMETHYL HYDRAZINECARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.96	Phenylmethyl hydrazinecarboxylate (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1158. TRALKOXYDIM FORMULATED.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new headings:

''	9902.06.62	2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) (provided for in subheading 2925.20.60) ..	Free	No change	No change	On or before 12/31/2001	
	9902.06.01	Mixtures of 2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	''.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—
(A) by striking ''Free'' each place it appears and inserting ''1.1%''; and
(B) by striking ''On or before 12/31/2001'' each place it appears and inserting ''On or before 12/31/2002''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—
(A) by striking ''1.1%'' each place it appears and inserting ''2.3%''; and
(B) by striking ''On or before 12/31/2002'' each place it appears and inserting ''On or before 12/31/2003''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1159. KN002.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.63	2-[2,4-Dichloro-5-hydroxyphenyl)-hydrazono]-1-piperidine-carboxylic acid, methyl ester (CAS No. 159393–46–1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1160. KL084.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.29.69	2-Imino-1-methoxycarbonyl-piperidine hydrochloride (CAS No. 159393–48–3) (provided for in subheading 2933.39.61)	5.4%	No change	No change	On or before 12/31/2000	''.

(b) CALENDAR YEAR 2001.—
(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—
(A) by striking ''5.4%'' and inserting ''4.7%''; and
(B) by striking ''On or before 12/31/2000'' and inserting ''On or before 12/31/2001''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.
(c) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—
(A) by striking ''4.7%'' and inserting ''4.0%''; and
(B) by striking ''On or before 12/31/2001'' and inserting ''On or before 12/31/2002''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(d) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—
(A) by striking ''4.0%'' and inserting ''3.3%''; and
(B) by striking ''On or before 12/31/2002'' and inserting ''On or before 12/31/2003''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1161. IN–N5297.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.35	2-(Methoxycarbonyl)- benzylsulfonamide (CAS No. 59777–72–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1162. AZOXYSTROBIN FORMULATED.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.38.01	Methyl (E)-2-2[6-(2-cyanophenoxy)-pyrimidin-4-xloxy]phenyl-3-methoxyacrylate (CAS No. 131860–33–8) (provided for in subheading 3808.20.15)	5.7%	No change	No change	On or before 12/31/2003	''.

SEC. 1163. FUNGAFLOR 500 EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.09	Mixtures of enilconazole (CAS No. 35554–44–0 or 73790–28–0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1164. NORBLOC 7966.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.22	2-(2'-Hydroxy-5'- methacrylyloxyethylphenyl)-2H-benzotriazole (CAS No. 96478–09–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1165. IMAZALIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.10	Enilconazole (CAS No. 35554–44–0 or 73790–28–0) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1166. 1,5-DICHLOROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.14	1,5-Dichloroanthraquinone (CAS No. 82–46–2) (provided for in subheading 2914.70.40)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1167. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.19	9-Anthracene-carboxylic acid, (triethoxysilyl)-methyl ester (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1168. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.20	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (CAS No. 50471–44–8) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1169. TEPRALOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.64	Mixtures of E-2-[1-[[(3-chloro-2-propenyl)oxy]-imino]propyl]-3-hydroxy-5-(tetrahydro-2H-pyran-4-yl)-2-cyclohexen-1-one (CAS No. 149979–41–9) and application adjuvants (provided for in subheading 3808.30.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1170. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.30	4-Chloro-2-(1,1-dimethylethyl)-5-(((4-(1,1-dimethylethyl)phenyl)-methyl)thio)-3-(2H)-pyridazinone (CAS No. 96489–71–3) (provided for in subheading 2933.90.22) ..	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1171. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.02	2-Acetylnicotinic acid (CAS No. 89942–59–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1172. SAME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.21.06	Food supplement preparation of S-adenosylmethionine 1,4-butanedisulfonate (CAS No. 101020–79–5) (provided for in subheading 2106.90.99)	5.5%	No change	No change	On or before 12/31/2003	''.

SEC. 1173. PROCION CRIMSON H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.60	1,5-Naphthalene-disulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)-azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)amino)-methyl)phenyl)-amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)-azo)-, octa- (CAS No. 186554–26–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1174. DISPERSOL CRIMSON SF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.05	Mixture of 3-phenyl-7-(4-propoxyphenyl)benzo-(1,2-b:4,5-b')-difuran-2,6-dione (CAS No. 79694–17–0); 4-(2,6-dihydro-2,6-dioxo)-7-phenylbenzo-(1,2-b:4,5-b')-difuran-3-ylphenoxyacetic acid, 2-ethoxyethyl ester (CAS No. 126877–05–2); and 4-(2,6-dihydro-2,6-dioxo-7-(4-propoxphenyl)-benzo-(1,2-b:4,5-b')-difuran-3-yl)-phenoxy)phenoxy)-acetic acid, 2-ethoxyethyl ester (CAS No. 126877–06–3) (the foregoing mixture provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1175. PROCION NAVY H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.50	Mixture of 2,7-naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[(2-methyl-4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-, hexasodium salt (CAS No. 186554–27–8); and 1,5-Naphthalenedisulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)-amino)methyl)-phenyl)amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554–26–7) (the foregoing mixture provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1176. PROCION YELLOW H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.46	Reactive yellow 138:1 mixed with non-color dispersing agent, anti-dusting agent and water (CAS No. 72906–25–3) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1177. 2-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.25	2-Phenylphenol (CAS No. 90–43–7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1178. 2-METHOXY-1-PROPENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.27	2-Methoxy-1-propene (CAS No. 116–11–0) (provided for in subheading 2909.19.18)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1179. 3,5-DIFLUOROANILINE.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.56	3,5-Difluoroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	7.4%	No change	No change	On or before 12/31/2001	''.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—
(A) by striking ''7.4%'' and inserting ''6.7%''; and
(B) by striking ''On or before 12/31/2001'' and inserting ''On or before 12/31/2002''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—
(A) by striking ''6.7%'' and inserting ''6.3%''; and
(B) by striking ''On or before 12/31/2002'' and inserting ''On or before 12/31/2003''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1180. QUINCLORAC.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.47	3,7-Dichloro-8-quinolinecarboxylic acid (CAS No. 84087–01–4) (provided for in subheading 2933.40.30)	6.8%	No change	No change	On or before 12/31/2001	''.

(b) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—
(A) by striking ''6.8%'' and inserting ''5.9%''; and
(B) by striking ''On or before 12/31/2001'' and inserting ''On or before 12/31/2002''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(c) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—
(A) by striking ''5.9%'' and inserting ''5.4%''; and
(B) by striking ''On or before 12/31/2002'' and inserting ''On or before 12/31/2003''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1181. DISPERSOL BLACK XF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.81	Mixture of Disperse blue 284, Disperse brown 19 and Disperse red 311 with non-color dispersing agent (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1182. FLUROXYPYR, 1-METHYLHEPTYL ESTER (FME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.77	Fluoroxypyr, 1-methylheptyl ester (1-Methylheptyl ((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetate) (CAS No. 81406–37–3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1183. SOLSPERSE 17260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.29	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879–66–2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1184. SOLSPERSE 17000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.02	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1, 3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1185. SOLSPERSE 5000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.03	1-Octadecanaminium, N,N-dimethyl-N-octadecyl-, (Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato(3-)-N^{29},N^{30},N^{31},N^{32}]cuprate(1-) (CAS No. 70750–63–9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1186. CERTAIN TAED CHEMICALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.70	Tetraacetylethylenediamine (CAS Nos. 10543–57–4) (provided for in subheading 2924.10.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1187. ISOBORNYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.71	Isobornyl acetate (CAS No. 125–12–2) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1188. SOLVENT BLUE 124.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.73	Solvent blue 124 (CAS No. 29243–26–3) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1189. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.72	Solvent blue 104 (CAS No. 116–75–6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1190. PRO-JET MAGENTA 364 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.85.00	5-[4-(4,5-Dimethyl-2-sulfophenylamino)-6-hydroxy-[1,3,5-triazin-2-yl amino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naphthalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1191. 4-AMINO-2,5-DIMETHOXY-N-PHENYLBENZENE SULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.73	4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide (CAS No. 52298–44–9) (provided for in subheading 2935.00.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1192. UNDECYLENIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.78	10-Undecylenic acid (CAS No. 112–38–9) (provided for in subheading 2916.19.30) ...	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1193. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.81	2-Methyl-4-chlorophenoxyacetic acid (CAS No. 94–74–6) and its 2-ethylhexyl ester (CAS No. 29450–45–1) (provided for in subheading 2918.90.20); and 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039–46–5) (provided for in subheading 2921.19.60)	2.6%	No change	No change	On or before 12/31/2003	''.

SEC. 1194. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.83	Mixtures of sodium salts of iminodisuccinic acid (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1195. IMINODISUCCINATE SALTS AND AQUEOUS SOLUTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.10	Mixtures of sodium salts of iminodisuccinic acid, dissolved in water (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1196. POLY(VINYL CHLORIDE) (PVC) SELF-ADHESIVE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.39.01	Poly(vinyl chloride) (PVC) self-adhesive sheets, of a kind used to make bandages (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1197. 2-BUTYL-2-ETHYLPROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.84	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1198. CYCLOHEXADEC-8-EN-1-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.85	Cyclohexadec-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1199. PAINT ADDITIVE CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.33	N-Cyclopropyl-N′-(1,1-dimethylethy)-6-(methylthio)-1,3,5-triazine-2,4-diamine (CAS No. 28159–98–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1200. o-CUMYL-OCTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.86	o-Cumyl-octylphenol (CAS No. 73936–80–8) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1201. CERTAIN POLYAMIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.39.08	Micro-porous, ultrafine, spherical forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS No. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1202. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.14	Mixture of phenyl esters of C_{10}–C_{18} alkylsulfonic acids (CAS No. 70775–94–9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1203. VULKALENT E/C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.31	Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil (provided for in 3824.90.28)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1204. BAYTRON M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.87	3,4-Ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1205. BAYTRON C–R.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.15	Aqueous catalytic preparations based on iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1206. BAYTRON P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.15	Aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly-(styrenesulfonate) (cationic) (CAS No. 155090–83–8) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1207. MOLDS FOR USE IN CERTAIN DVDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.84.19	Molds for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8480.71.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1208. KN001 (A HYDROCHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.88	2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1209. CERTAIN COMPOUND OPTICAL MICROSCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.98.07	Compound optical microscopes: whether or not stereoscopic and whether or not provided with a means for photographing the image; especially designed for semiconductor inspection; with full encapsulation of all moving parts above the stage; meeting ‘‘cleanroom class 1’’ criteria; having a horizontal distance between the optical axis and C-shape microscope stand of 8″ or more; and fitted with special microscope stages having a lateral movement range of 6″ or more in each direction and containing special sample holders for semiconductor wafers, devices, and masks (provided for in heading 9011.20.80)	Free	No Change	No change	On or before 12/31/2003	’’.

SEC. 1210. DPC 083.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.92	(S)-6-Chloro-3,4-dihydro-4E-cyclopropylethnyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287–99–7) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1211. DPC 961.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.20.05	(S)-6-Chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone (CAS No. 214287–88–4) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1212. PETROLEUM SULFONIC ACIDS, SODIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.34.01	Petroleum sulfonic acids, sodium salts (CAS No. 68608–26–4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1213. PRO-JET CYAN 1 PRESS PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.20	Direct blue 199 acid (CAS No. 80146–12–9) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1214. PRO-JET BLACK ALC POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.23	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1215. PRO-JET FAST YELLOW 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.99	Direct yellow 173 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1216. SOLVENT YELLOW 145.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.30.46	Solvent yellow 145 (CAS No. 27425–55–4) (provided for in subheading 3204.19.25) ..	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1217. PRO-JET FAST MAGENTA 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.24	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1218. PRO-JET FAST CYAN 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.17	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1219. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.25	[(2-Hydroxyethylsulfamoyl)-sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1220. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.50	Methyl 2-[[[[[-4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1221. PRO-JET FAST CYAN 3 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.30.11	[29H,31H-Phthalocyaninato(2-) -xN29,xN30,xN31,xN32] copper,[[2-[4-(2-aminoethyl)-1-piperazinyl]-ethyl]amino]sulfonylamino-sulfonyl[(2-hydroxy-ethyl)amino]-sulfonyl [[2-[[2-(1-piperazinyl)ethyl]-amino)ethyl]-amino]sulfonyl sulfo derivatives and their sodium salts (provided for in subheading 3204.14.30) ...	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1222. PRO-JET CYAN 1 RO FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.65	Direct blue 199 sodium salt (CAS No. 90295–11–7) (provided for in subheading 3204.14.30)	9.5%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—
(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a), is amended—
(A) by striking ‘‘9.5%’’ and inserting ‘‘8.5%’’; and
(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.
(c) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.32.65, as added by subsection (a) and amended by subsection (b), is further amended—
(A) by striking ‘‘8.5%’’ and inserting ‘‘7.4%’’; and
(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1223. PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.67	Direct black 195 (CAS No. 160512–93–6) (provided for in subheading 3204.14.30)	7.8%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—
(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a), is amended—
(A) by striking ‘‘7.8%’’ and inserting ‘‘7.1%’’; and
(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.
(c) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.32.67, as added by subsection (a) and amended by subsection (b), is further amended—
(A) by striking ‘‘7.1%’’ and inserting ‘‘6.4%’’; and
(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1224. 4-(CYCLOPROPYL-A-HYDROXYMETHYLENE)-3,5-DIOXO-CYCLOHEXANECARBOXYLIC ACID ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.93	4-(Cyclopropyl-α-hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid, ethyl ester (CAS No. 95266–40–3) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1225. 4’’-EPIMETHYLAMINO-4’’-DEOXYAVERMECTIN B_{1A} AND B_{1B} BENZOATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.94	4’’-Epimethyl-amino-4’’-deoxyavermectin B_{1a} and B_{1b} benzoates (CAS No. 137512–74–4, 155569–91–8, or 179607–18–2) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1226. FORMULATIONS CONTAINING 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]-PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.51	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2003	’’.

SEC. 1227. MIXTURES OF 2-(2-CHLOROETHOXY)-$_N$-[[4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)-AMINO]CARBONYLBENZENESULFONAMIDE] AND 3,6-DICHLORO-2-METHOXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.21	Mixtures of 2-(2-chloroethoxy)-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonylbenzene-sulfonamide] (CAS No. 82097–50–5) and 3,6-dichloro-2-methoxybenzoic acid (CAS No. 1918–00–9) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1228. ($_{E,E}$)-$_A$-(METHOXYIMINO)-2-[[[[1-[3-(TRIFLUOROMETHYL)PHENYL]-ETHYLIDENE]AMINO]OXY]METHYL]BENZENEACETIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.41	(E,E)-α-(Methoxyimino)-2-[[[[1-[3-(trifluoromethyl)phenyl]- ethyl-idene]amino]oxy]- methyl]benzeneacetic acid, methyl ester (CAS No. 141517–21–7) (provided for in subheading 2929.90.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1229. FORMULATIONS CONTAINING SULFUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.13	Mixtures of sulfur (80 percent by weight) and application adjuvants (CAS No. 7704–34–9) (provided for in subheading 3808.20.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1230. MIXTURES OF 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLOROETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.52	Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea (CAS No. 82097–50–5) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1231. MIXTURES OF 4-CYCLOPROPYL-6-METHYL-$_N$-PHENYL-2-PYRIMIDINAMINE-4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1$_H$-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.53	Mixtures of 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1232. (R)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER AND (S)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.31	(R)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylamino]propionic acid, methyl ester (CAS No. 69516–34–3) (both of the foregoing provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1233. MIXTURES OF BENZOTHIADIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.22	Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158–54–2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1234. BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.42	Benzothialdiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158–54–2) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1235. O-(4-BROMO-2-CHLOROPHENYL)-O-ETHYL-S-PROPYL PHOSPHOROTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.30	O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate (CAS No. 41198–08–7) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1236. 1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL]-METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.80	1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole (CAS No. 60207–90–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1237. TETRAHYDRO-3-METHYL-N-NITRO-5-[[2-PHENYLTHIO)-5-THIAZOLYL]-4H-1,3,5-OXADIAZIN-4-IMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.76	Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4-H-1,3,5-oxadiazin-4-imine (CAS No. 192439–46–6) (provided for in subheading 2934.10.10)	4.3%	No change	No change	On or before 12/31/2003	".

SEC. 1238. 1-(4-METHOXY-6-METHYLTRIAZIN-2-YL)-3-[2-(3,3,3-TRIFLUOROPROPYL)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.40	1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea (CAS No. 94125–34–5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1239. 4,5-DIHYDRO-6-METHYL-4-[(3-PYRIDINYLMETHYLENE)AMINO]-1,2,4-TRIAZIN-3(2H)-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.94	4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one (CAS No. 123312–89–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1240. 4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.97	4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1241. MIXTURES OF 2-(((((4,6-DIMETHOXYPYRIMIDIN-2-YL)AMINOCARBONYL))AMINOSULFONYL))-N,N-DIMETHYL-3-PYRIDINECARBOXAMIDE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.69	Mixtures of 2-(((((4,6-dimethoxypyrimidin-2-yl)aminocarbonyl))aminosulfonyl))-N,N-dimethyl-3-pyridinecarboxamide and application adjuvants (CAS No. 111991–09–4) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1242. MONOCHROME GLASS ENVELOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.70.01	Monochrome glass envelopes (provided for in subheading 7011.20.40)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1243. CERAMIC COATER.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.84.00	Ceramic coater for laying down and drying ceramic (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1244. PRO-JET BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.13	5-[4-(7-Amino-1-hydroxy-3-sulfonaphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1245. PRO-JET FAST BLACK 286 PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.44	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo-6-sulfo-1-naphthalenylazo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1246. BROMINE-CONTAINING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.28.08	2-Bromoethanesulfonic acid, sodium salt (CAS No. 4263–52–9) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2003	
	9902.28.09	4,4'-Dibromobiphenyl (CAS No. 92–86–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	
	9902.28.10	4-Bromotoluene (CAS No. 106–38–7) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1247. PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.29.38	1,4-Dihydro-2,6-dimethyl-1,4-diphenyl-3,5-pyridinedicarboxylic acid, dimethyl ester (CAS No. 83300–85–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	

	9902.29.39	1-[2-[2-Chloro-3-[(1,3-dihydro-1,3,3-trimethyl-2H-indol-2-ylidene)ethylidene]-1-cyclopenten-1-yl]ethenyl]-1,3,3-trimethyl-3H-indolium salt with trifluoromethanesulfonic acid (1:1) (CAS No. 128433–68–1) (provided for in subheading 2933.90.24) ..	Free	No change	No change	On or before 12/31/2003	
	9902.29.40	N-[4-[5-[4-(Dimethylamino)-phenyl]-1,5-diphenyl-2,4-pentadienylidene]-2,5-cyclohexadien-1-ylidene]-N-methylmethanaminium salt with trifluoromethanesulfonic acid (1:1) (CAS No. 100237–71–6) (provided for in subheading 2921.49.45) ..	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1248. CERTAIN SEMICONDUCTOR MOLD COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.39.07	Thermosetting epoxide molding compounds of a kind suitable for use in the manufacture of semiconductor devices, via transfer molding processes, containing 70 percent or more of silica, by weight, and having less than 75 parts per million of combined water-extractable content of chloride, bromide, potassium and sodium (provided for in subheading 3907.30.00)	3.5%	No change	No change	On or before 12/31/2003	''.

SEC. 1249. SOLVENT BLUE 67.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.53	Solvent blue 67 (CAS No. 81457–65–0) (provided for in subheading 3204.19.11)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1250. PIGMENT BLUE 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.08	Pigment blue 60 (CAS No. 81–77–6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1251. MENTHYL ANTHRANILATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.08.10	Menthyl anthranilate (CAS No. 134–09–08) (provided for in subheading 2922.49.27)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1252. 4-BROMO-2-FLUOROACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.15	4-Bromo-2-fluoroacetanilide (CAS No. 326–66–9) (provided for in subheading 2924.21.50)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1253. PROPIOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.16	Propiophenone (CAS No. 93–55–0) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1254. M-CHLOROBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.17	m-Chlorobenzaldehyde (CAS No. 587–04–2) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1255. CERAMIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.69.01	Knives having ceramic blades, such blades containing over 90 percent zirconia by weight (provided for in subheading 6911.10.80 or 6912.00.48)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1256. STAINLESS STEEL RAILCAR BODY SHELLS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.86.07	Railway car body shells of stainless steel, the foregoing which are designed for gallery type railway cars each having an aggregate capacity of 138 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1257. STAINLESS STEEL RAILCAR BODY SHELLS OF 148-PASSENGER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

''	9902.86.08	Railway car body shells of stainless steel, the foregoing which are designed for use in gallery type cab control railway cars each having an aggregate capacity of 148 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1258. PENDIMETHALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.21.42	N-(Ethylpropyl)-3,4-dimethyl-2,6-dinitroaniline (Pendimethalin) (CAS No. 40487–42–1) (provided for in subheading 2921.49.50)	1.1%	No change	No change	On or before 12/31/2003	''.

SEC. 1259. 3,5-DIBROMO-4-HYDOXYBENZONITRIL ESTER AND INERTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.04	Mixtures of octanoate and heptanoate esters of bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile) (CAS Nos. 1689–99–2 and 56634–95–8) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1260. 3,5-DIBROMO-4-HYDOXYBENZONITRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.28.18	Bromoxynil (3,5-dibromo-4-hydroxybenzonitrile), octanoic acid ester (CAS No. 1689–99–2) (provided for in subheading 2926.90.25)	4.2%	No change	No change	On or before 12/31/2003	''.

SEC. 1261. ISOXAFLUTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.79	4-(2-Methanesulfonyl-4-trifluoromethylbenzoyl)-5-cyclopropylisoxazole (CAS No. 141112–29–0) (provided for in subheading 2934.90.15)	1.0%	No change	No change	On or before 12/31/2003	''.

SEC. 1262. CYCLANILIDE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.64	1-(2,4-Dichlorophenylaminocarbonyl)-cyclopropanecarboxylic acid (CAS No. 113136–77–9) (provided for in subheading 2924.29.47)	5.7%	No change	No change	On or before 12/31/2003	".

SEC. 1263. R115777.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.40	(R)-6-[Amino(4-chlorophenyl)(1-methyl-1H-imidazol-5-yl)methyl]-4-(3-chlorophenyl)-1-methyl-2(1H)-quinoline (CAS No. 192185–72–1) (provided for in subheading 2933.40.26)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1264. BONDING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.16	Bonding machines for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8479.89.97)	1.7%	No change	No change	On or before 12/31/2003	".

SEC. 1265. GLYOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.13	Glyoxylic acid (CAS No. 298–12–4) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1266. FLUORIDE COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.28.20	Ammonium bifluoride (CAS No. 1341–49–7) (provided for in subheading 2826.11.10)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1267. COBALT BORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.80.05	Cobalt boron (provided for in subheading 8105.10.30)	Free	No change	No change	On or before 12/31/2003	".

SEC. 1268. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.02	Watertube boilers with a steam production exceeding 45 t per hour, for use in nuclear facilities (provided for in subheading 8402.11.00)	4.9%	No change	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods—

(1) entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act; and

(2) purchased pursuant to a binding contract entered into on or before the date of the enactment of this Act.

SEC. 1269. FIPRONIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.98	5-Amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((l,r,s)-(trifluromethylsulfinyl))-1H-pyrazole-3-carbonitrile (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	5.6%	No change	No change	On or before 12/31/2003	".

SEC. 1270. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.91	Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	".

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting ''12/31/2003'':

(1) Heading 9902.32.12 (relating to DEMT).

(2) Heading 9902.39.07 (relating to a certain polymer).

(3) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(4) Heading 9902.29.37 (relating to certain sensitizing dyes).

(5) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(6) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).

(7) Heading 9902.33.59 (relating to DPX–E6758).

(8) Heading 9902.33.60 (relating to rimsulfuron).

(9) Heading 9902.70.03 (relating to rolled glass).

(10) Heading 9902.72.02 (relating to ferroboron).

(11) Heading 9902.70.06 (relating to substrates of synthetic quartz or synthetic fused silica).

(12) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).

(13) Heading 9902.32.92 (relating to β-bromo-β-nitrostyrene).

(14) Heading 9902.32.06 (relating to yttrium).

(15) Heading 9902.32.55 (relating to methyl thioglycolate).

(b) EXISTING DUTY REDUCTION.—Heading 9902.29.68 (relating to Ethylene/tetrafluoroethylene copolymer (ETFE)) is amended by striking out the date in the effective period column and inserting ''12/31/2003''.

(c) OTHER MODIFICATIONS.—

(1) METHYL ESTERS.—

(A) CALENDAR YEAR 2001.—

(i) IN GENERAL.—Heading 9902.38.24 (relating to methyl esters) is amended—

(I) by striking ''Free'' and inserting ''1.6%''; and

(II) by striking ''12/31/2000'' and inserting ''12/31/2001''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2001.

(B) CALENDAR YEAR 2002.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (A), is amended—

(I) by striking ''1.6%'' and inserting ''1.8%''; and

(II) by striking ''12/31/2001'' and inserting ''12/31/2002''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2002.

(C) CALENDAR YEAR 2003.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (B), is amended—

(I) by striking ''1.8%'' and inserting ''1.9%''; and

(II) by striking ''12/31/2002'' and inserting ''12/31/2003''.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2003.

(2) CERTAIN MANUFACTURING EQUIPMENT.—Headings 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, and 9902.84.91 (relating to certain manufacturing equipment) are each amended—

(A) by striking ''4011.91.50'' each place it appears and inserting ''4011.91'';

(B) by striking ''4011.99.40'' each place it appears and inserting ''4011.99''; and

(C) by striking ''86 cm'' each place it appears and inserting ''63.5 cm''.

(3) CARBAMIC ACID (U-9069).— Heading 9902.33.61 (relating to carbamic acid (U–9069)) is amended—

(A) by striking ''7.6%'' and inserting ''Free''; and

(B) by striking the date in the effective period column and inserting ''12/31/2003''.

(4) DPX–E9260.— Heading 9902.33.63 (relating to DPX–E9260) is amended—

(A) by striking ''5.3%'' and inserting ''Free''; and

(B) by striking the date in the effective period column and inserting ''12/31/2003''.

SEC. 1302. TECHNICAL CORRECTION.

Heading 9902.32.70 is amended by striking ''(provided for in subheading 2916.39.45)'' and inserting ''(provided for in subheading 2916.39.75)''.

SEC. 1303. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1401. CERTAIN TELEPHONE SYSTEMS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C.

1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c), in accordance with the final decision of the Department of Commerce of February 7, 1990 (case number A580–803–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
E85–0001814–6	10/05/89	Miami, FL
E85–0001844–3	10/30/89	Miami, FL
E85–0002268–4	07/21/90	Miami, FL
E85–0002510–9	12/15/90	Miami, FL
E85–0002511–7	12/15/90	Miami, FL
E85–0002509–1	12/15/90	Miami, FL
E85–0002527–3	12/12/90	Miami, FL
E85–0002550–0	12/20/90	Miami, FL
102–0121558–8	12/11/91	Miami, FL
E85–0002654–5	04/08/91	Miami, FL
E85–0002703–0	05/01/91	Miami, FL
E85–0002778–2	06/05/91	Miami, FL
E85–0002909–3	08/05/91	Miami, FL
E85–0002913–5	08/02/91	Miami, FL
102–0120990–4	10/18/91	Miami, FL
102–0120668–6	09/03/91	Miami, FL
102–0517007–8	11/20/91	Miami, FL
102–0122145–3	03/05/91	Miami, FL
102–0121173–6		Miami, FL
102–0121559–6		Miami, FL
E85–0002636–2		Miami, FL

SEC. 1402. COLOR TELEVISION RECEIVER ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative reviews, covering the periods from April 1, 1989, through March 31, 1990, and from April 1, 1990, through March 31, 1991, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A–583–009).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
509–0210046–5	August 18, 1989
815–0908228–5	June 25, 1989
707–0836829–8	April 4, 1990
707–0836940–3	April 12, 1990
707–0837161–5	April 25,1990
707–0837231–6	May 3, 1990
707–0837497–3	May 17, 1990
707–0837498–1	May 24, 1990
707–0837612–7	May 31, 1990
707–0837817–2	June 13, 1990
707–0837949–3	June 19, 1990
707–0838712–4	August 7, 1990
707–0839000–3	August 29, 1990
707–0839234–8	September 15, 1990
707–0839284–3	September 12, 1990
707–0839595–2	October 2, 1990
707–0840048–9	November 1, 1990
707–0840049–7	November 1, 1990
707–0840176–8	November 8, 1990

SEC. 1403. COPPER AND BRASS SHEET AND STRIP.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
110–1197671–6	10/18/86	7/6/92
110–1198090–8	12/19/86	1/23/87
110–1271919–8	11/12/86	11/6/87
110–1272332–3	11/26/86	11/20/87
110–1955373–1	12/17/86	7/26/96
110–1271914–9	11/12/86	11/6/87
110–1279006–6	09/09/87	8/26/88
110–1279699–8	10/06/87	11/6/87
110–1280399–2	11/03/87	12/11/87
110–1280557–5	11/11/87	12/28/87
110–1280780–3	11/24/87	01/29/88
110–1281399–1	12/16/87	2/12/88
110–1282632–4	02/17/88	3/18/88
110–1286027–3	02/26/88	2/17/89
110–1286056–2	02/23/88	2/12/89
719–0736650–5	07/27/87	3/13/92
110–1285877–2	09/08/88	06/02/89
110–1285885–5	09/08/88	06/02/89
110–1285959–8	09/13/88	06/02/89
110–1286057–0	03/01/88	04/01/88
110–1286061–2	03/02/88	02/24/89
110–1286120–6	03/13/88	03/03/89
110–1286122–2	03/13/88	03/03/89
110–1286123–0	03/13/88	03/03/89
110–1286124–8	03/13/88	03/03/89
110–1286133–9	03/20/88	04/15/88
110–1286134–7	03/20/88	04/15/88
110–1286151–1	03/15/88	09/15/89
110–1286194–1	03/22/88	08/24/90
110–1286262–6	04/04/88	06/09/89
110–1286264–2	03/30/88	06/09/89
110–1286293–1	04/09/88	06/02/89
110–1286294–9	04/09/88	06/02/89
110–1286330–1	04/13/88	06/02/89
110–1286332–7	04/13/88	06/02/89
110–1286376–4	04/20/88	06/02/89
110–1286398–8	04/29/88	06/02/89
110–1286399–6	04/29/88	06/02/89
110–1286418–4	05/06/88	06/02/89
110–1286419–2	05/06/88	06/02/89
110–1286465–5	05/13/88	06/02/89
110–1286467–1	05/13/88	06/02/89
110–1286488–7	05/20/88	07/01/88
110–1286489–5	05/20/88	07/01/88
110–1286490–3	05/20/88	07/01/88
110–1286567–8	05/27/88	06/02/89
110–1286578–5	06/03/88	06/02/89
110–1286579–3	06/03/88	06/02/89
110–1286638–7	06/10/88	06/02/89
110–1286683–3	06/17/88	06/02/89
110–1286685–8	06/17/88	06/02/89
110–1286703–9	06/24/88	07/29/88
110–1286725–2	06/24/88	06/02/89
110–1286740–1	07/01/88	06/02/89
110–1286824–3	07/08/88	06/02/89
110–1286863–1	07/20/88	06/02/89
110–1286910–0	07/24/88	06/02/89
110–1286913–4	07/29/88	06/02/89
110–1286942–3	07/26/88	09/09/88
110–1286990–2	08/02/88	06/02/89
110–1287007–4	08/05/88	06/02/89
110–1287058–7	08/09/88	06/02/89
110–1287195–7	09/22/88	06/02/89
110–1287376–3	09/29/88	06/02/89
110–1287377–1	09/29/88	06/02/89
110–1287378–9	09/29/88	06/02/89
110–1287573–5	10/06/88	06/02/89
110–1287581–8	10/06/88	06/02/89
110–1287756–6	10/11/88	06/29/90
110–1287762–4	10/11/88	06/02/89
110–1287780–6	10/14/88	06/02/89
110–1287783–0	10/14/88	06/02/89
110–1287906–7	10/18/88	06/02/89
110–1288061–0	10/25/88	06/02/89
110–1288086–7	10/27/88	06/02/89
110–1288229–3	11/03/88	06/02/89
110–1288370–5	11/08/88	06/29/90
110–1288408–3	11/10/88	06/29/90
110–1288688–0	11/24/88	06/02/89
110–1288692–2	11/24/88	06/02/89
110–1288847–2	11/29/88	06/29/90
110–1289041–1	12/07/88	06/02/89
110–1289248–2	12/22/88	06/02/89
110–1289250–8	12/21/88	06/02/89
110–1289260–7	12/22/88	06/02/89
110–1289376–1	12/29/88	06/02/89
110–1289588–1	01/15/89	06/02/89
110–0935207–8	01/05/90	03/13/92
110–1294738–5	10/31/89	03/20/90
110–1204990–1	06/08/89	09/29/89
11036694146	01/17/91	12/18/92
11036706841	03/06/91	2/19/93
11036725270	05/24/91	2/19/93
110–1231352–1	07/24/88	08/26/88
110–1231359–6	07/31/88	09/09/88
110–1286029–9	02/25/88	03/25/88
110–1286078–6	03/04/88	04/08/88
110–1286079–4	03/04/88	06/29/90
110–1286107–3	03/10/88	04/08/88
110–1286153–7	03/11/88	04/15/88
110–1286154–5	03/17/88	04/22/88
110–1286155–2	03/31/88	04/22/88
110–1286203–0	03/24/88	06/29/90
110–1286218–8	03/18/88	04/22/88
110–1286241–0	03/31/88	03/24/89
110–1286272–5	03/31/88	08/03/90
110–1286278–2	04/04/88	08/03/90
110–1286362–4	04/21/88	06/29/90
110–1286447–3	05/06/88	06/29/90
110–1286448–1	05/06/88	06/29/90
110–1286472–1	05/11/88	06/29/90
110–1286664–3	06/16/88	06/29/90
110–1286666–8	06/16/88	07/13/90
110–1286889–6	07/22/88	08/03/90
110–1286982–9	08/04/88	06/29/90
110–1287022–3	08/11/88	06/29/90
110–1804941–8	05/04/88	07/29/94
037–0022571–1	01/05/89	02/17/89
110–1135050–8	04/01/89	02/19/93
110–1135292–6	04/23/89	02/19/93
110–1135479–9	05/04/89	12/28/92
110–1136014–3	06/01/89	02/19/93
110–1136111–7	06/09/89	02/19/93
110–1136287–5	06/15/89	12/28/92
110–1136678–5	07/14/88	02/19/93
110–1136815–3	07/17/89	12/28/92
110–1137008–4	07/17/89	02/19/93
110–1137010–0	07/28/89	02/19/93
110–1231614–4	12/06/88	02/17/89
110–1231630–0	12/13/88	02/17/89
110–1231666–4	12/30/88	02/17/89
110–1231694–6	01/16/89	03/24/89
110–1231708–4	01/30/89	03/24/89
110–1231767–0	03/12/89	07/14/89
110–1232086–4	07/27/89	12/01/89
110–1287256–7	09/20/88	09/08/89
110–1287285–6	09/22/88	09/15/89
110–1287442–3	09/29/88	06/29/90
110–1287491–0	09/27/88	06/29/90
110–1287631–1	09/29/88	06/29/90
110–1287693–1	10/06/88	06/29/90
110–1288491–9	11/10/88	06/29/90
110–1288492–7	11/10/88	06/29/90
110–1288937–1	12/08/88	06/29/90
110–1710118–6	01/27/89	01/13/89
110–1137082–9	09/03/89	2/19/93
110–1138058–8	10/11/89	2/19/93
110–1138059–6	09/28/89	2/19/93
110–1138691–6	11/02/89	2/19/93
110–1138698–1	11/02/89	2/19/93
110–1139217–9	12/09/89	2/19/93
110–1139218–7	12/09/89	12/21/89
110–1139219–5	12/02/89	2/19/93
110–1139481–1	01/05/90	2/19/93
110–1140423–0	02/17/90	2/19/93
110–1140641–7	03/08/90	2/19/93
110–1141086–4	04/01/90	2/19/93
110–1142313–1	06/06/90	2/19/93
110–1142728–0	06/30/90	2/19/93
110–1232095–5	08/06/89	12/01/89
110–1232136–7	09/02/89	12/29/89
110–1293737–8	08/29/89	8/21/92
110–1293738–6	08/31/89	8/21/92
110–1293859–0	09/07/89	8/21/92
110–1293861–6	09/06/89	8/21/92
110–1294009–1	09/14/89	8/21/92
110–1294111–5	09/19/89	8/21/92
110–1294328–5	10/05/89	8/21/92
110–1294685–8	10/24/89	8/21/92
110–1294686–6	10/24/89	8/21/92
110–1294798–9	10/31/89	8/21/92
110–1295026–4	11/09/89	8/21/92
110–1295087–6	11/14/89	3/16/90
110–1295088–4	11/16/89	8/21/92
110–1295089–2	11/16/89	8/21/92
110–1295245–0	11/21/89	8/21/92
110–1295493–6	12/05/89	8/21/92
110–1295497–7	12/05/89	8/21/92
110–1295898–6	12/28/89	8/21/92
110–1295903–4	12/28/89	8/21/92
110–1296025–5	01/04/90	8/21/92
110–1296161–8	01/11/90	8/21/92
11011443535	09/25/90	12/18/92

Entry number	Date of entry	Date of liquidation
11011448211	10/25/90	12/18/92
11001688032	04/12/88	06/03/88
11001691390	06/01/88	06/02/88
11009971950	03/07/88	03/03/89
11009972545	04/06/88	04/21/89
11012860745	03/04/88	04/08/88
11012861024	03/08/88	04/08/88
11012862071	03/24/88	04/29/88
11012862139	03/22/88	04/22/88
11012869316	07/28/88	06/29/90
11018048717	04/25/88	05/31/88
11018051323	06/08/88	07/08/88
11018054467	07/27/88	07/27/88
11018055324	08/10/88	08/20/88
11009976470	08/29/88	09/01/89
11017086056	10/26/88	12/02/88
11018057726	09/14/88	11/04/88
11018061991	11/09/88	12/30/88
11011366611	07/13/89	03/05/93
11012044811	03/18/89	04/23/93
11012053952	07/27/89	06/12/92
11012906159	03/09/89	06/29/90
11012908841	03/21/89	06/29/90
11012910227	03/28/89	06/29/90
11012911407	04/06/89	07/21/89
11012911415	04/06/89	06/29/90
11012911423	04/06/89	06/29/90
11012916240	05/04/89	06/29/90
11012922586	06/06/89	06/29/90
11012923964	06/15/89	06/29/90
11012928534	07/11/89	06/29/90
11012929771	07/19/89	06/29/90
11010060926	12/05/89	12/14/90
11012137037	10/02/90	06/12/92
11012941107	09/19/89	08/21/92
11012942238	09/28/89	08/21/92
11012943319	10/05/89	08/21/92
11012944374	10/13/89	03/02/90
11012944390	10/12/89	08/21/92
11012944408	10/13/89	08/21/92
11012946932	10/26/89	08/21/92
11012950918	11/17/89	11/09/90
11012952351	11/21/89	08/21/92
11012953821	11/29/89	08/21/92
11012954621	12/07/89	08/21/92
11012954803	12/07/89	08/21/92
11010103270	01/23/90	05/11/90
11011425391	06/16/90	02/19/93
11015255588	07/03/90	11/02/90
11018670254	01/11/90	01/22/90
11018671211	01/11/90	01/30/90
11018113123	06/06/90	
11010113105	09/06/90	01/04/91
11018133634	12/05/90	

SEC. 1404. ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(1001)016–0112010–6	May 26, 1989
(4601)016–0112028–8	June 28, 1989
(4601)016–0112126–0	December 5, 1989
(4601)016–0112132–8	December 18, 1989
(4601)016–0112164–1	February 5, 1990
(4601)016–0112229–2	April 12, 1990
(4601)016–0112211–0	March 21, 1990.

SEC. 1405. OTHER ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(4601)016–0112223–5	April 4, 1990
(4601)710–0225218–8	August 24, 1990
(4601)710–0225239–4	September 5, 1990
(4601)710–0226079–3	May 21, 1991
(1704)J50–0016544–7	January 31, 1991
(4601)016–0112237–5	April 19, 1990
(4601)710–0226033–0	May 7, 1991
(4601)710–0226078–5	May 15, 1991
(4601)710–0225181–8	August 24, 1990
(4601)710–0225381–4	October 3, 1990.

SEC. 1406. PRINTING CARTRIDGES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.90.08 of the Harmonized Tariff Schedule of the United States (relating to parts of facsimile machines) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8473.30.50 of the Harmonized Tariff Schedule of the United States (relating to parts and accessories of machines classified under heading 8471 of such Schedule).

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Date of liquidation
01/29/97	112–9640193–6	05/23/97
01/30/97	112–9640390–8	05/16/97
02/01/97	112–9640130–8	05/16/97
02/21/97	112–9642191–8	06/06/97
02/18/97	112–9642236–1	06/06/97
02/24/97	112–9642831–9	06/06/97
02/28/97	112–9643311–1	06/13/97
03/07/97	112–9644155–1	06/20/97
03/14/97	112–9645020–6	06/27/97
03/18/97	112–9645367–1	07/07/97
03/20/97	112–9646067–6	07/11/97
03/20/97	112–9646027–0	07/11/97
03/24/97	112–9646463–7	07/11/97
03/26/97	112–9646461–1	07/11/97
03/24/97	112–9646390–2	07/11/97
03/31/97	112–9647021–2	07/18/97
04/04/97	112–9647329–9	07/18/97
04/07/97	112–9647935–3	02/20/98
04/11/97	112–9300307–3	02/20/98
04/11/97	112–9300157–2	02/20/98
04/24/97	112–9301788–3	03/06/98
04/25/97	112–9302061–4	03/06/98
04/28/97	112–9302268–5	03/13/98
04/25/97	112–9302328–7	03/13/98
04/25/97	112–9302453–3	03/13/98
04/25/97	112–9302438–4	03/13/98
04/25/97	112–9302388–1	03/13/98
05/30/97	112–9306611–2	10/31/97
05/02/97	112–9302488–9	03/13/98
05/09/97	112–9303720–4	03/20/98
05/06/97	112–9303761–8	03/20/98
05/14/97	112–9304827–6	03/27/98
05/16/97	112–9304932–4	03/27/98
01/02/97	112–9636637–8	04/18/97
01/10/97	112–9637688–0	04/25/97
01/06/97	112–9637316–8	04/18/97
01/31/97	112–9640064–9	05/16/97
01/28/97	112–9639734–0	05/09/97
01/25/97	112–9639410–7	05/09/97
01/24/97	112–9639109–5	05/09/97
04/04/97	112–9647321–6	07/18/97

SEC. 1407. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF N,N-DICYCLOHEXYL-2-BENZOTHIAZOLESULFENAMIDE.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, the Customs Service shall—

(1) not later than 90 days after receiving a request described in subsection (b), liquidate or reliquidate as free from duty the entries listed in subsection (c); and

(2) within 90 days after such liquidation or reliquidation, refund any duties paid with respect to such entries, including interest from the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
0359145–4	November 26, 1996
0359144–7	November 26, 1996
0358011–9	October 30, 1996
0358010–1	October 30, 1996
0357091–2	October 8, 1996
0356909–6	October 1, 1996
0356480–8	September 27, 1996
0356482–4	September 24, 1996
0354733–2	August 7, 1996
0355663–0	August 27, 1996
0355278–7	August 20, 1996
0353571–7	July 3, 1996
0354382–8	July 23, 1996
0354204–4	July 18, 1996
0353162–5	June 25, 1996
0351633–7	May 14, 1996
0351558–6	May 7, 1996
0351267–4	April 27, 1996
0350615–5	April 12, 1996
0349995–5	March 25, 1996
0349485–7	March 11, 1996
0349243–0	February 27, 1996
0348597–6	February 17, 1996
0347203–6	January 2, 1996
0347759–7	January 17, 1996
0346113–8	December 12, 1995
0346119–5	November 29, 1995
0345065–1	October 31, 1995
0345066–9	October 31, 1995
0343859–9	October 3, 1995
0343860–7	October 3, 1995
0342557–0	August 30, 1995
0342558–8	August 30, 1995
0341557–1	July 31, 1995
0341558–9	July 31, 1995
0340382–5	July 6, 1995
0340838–6	June 28, 1995
0339139–2	June 7, 1995
0339144–2	May 31, 1995
0337866–2	April 26, 1995
0337667–4	April 26, 1995
0347103–8	April 12, 1995
0336953–9	March 29, 1995
0336954–7	March 29, 1995
0335799–7	March 1, 1995
0335800–3	March 1, 1995
0335445–7	February 14, 1995

Entry Number	Entry Date
0335020–8	February 9, 1995
0335019–0	February 1, 1995

SEC. 1408. CERTAIN ENTRIES OF TOMATO SAUCE PREPARATION.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
599–1501057–9	10/26/89
614–2717371–3	10/28/89
614–2717788–8	11/16/89
614–2717875–3	11/17/89
614–2723776–5	10/31/90
614–2725016–4	01/14/91
614–2725155–0	01/28/91
614–2725267–3	02/04/91
614–2725531–2	02/26/91
614–2725662–5	03/06/91
614–2725767–2	03/20/91
614–2725944–7	03/27/91
614–2726273–0	04/23/91
614–2726465–2	05/06/91
614–2726863–8	06/05/91
614–2727011–3	06/13/91
614–2727277–0	07/03/91
614–2727724–1	07/30/91
112–4021152–1	11/13/91
112–4021203–2	11/13/91
112–4021204–0	11/13/91
614–0081685–8	12/19/91
614–0081763–3	12/30/91
614–0082193–2	01/23/92
614–0082201–3	01/23/92
614–0082553–7	02/12/92
614–0082572–7	02/18/92
614–0082785–5	02/25/92
614–0082831–7	03/02/92
614–0083084–2	03/10/92
614–0083228–5	03/18/92
614–0083267–3	03/19/92
614–0083270–7	03/19/92
614–0083284–8	03/19/92
614–0083370–5	03/24/92
614–0083371–3	03/24/92
614–0083372–1	03/24/92
614–0083395–2	03/24/92
614–0083422–4	03/26/92
614–0083426–5	03/26/92
614–0083444–8	03/26/92
614–0083468–7	03/26/92
614–0083517–1	03/30/92
614–0083518–9	03/30/92
614–0083519–7	03/30/92
614–0083574–2	04/02/92
614–0083626–0	04/07/92
614–0083641–9	04/08/92
614–0083655–9	04/08/92
614–0083782–1	04/13/92
614–0083812–6	04/14/92
614–0083862–1	04/20/92
614–0083880–3	04/20/92
614–0083940–5	04/22/92
614–0083967–8	04/22/92
614–0084008–0	04/28/92
614–0084052–8	04/28/92
614–0084076–7	04/29/92
614–0084128–6	04/30/92
614–0084127–8	05/04/92
614–0084163–3	05/05/92
614–0084181–5	05/06/92
614–0084182–3	05/06/92
614–0084498–3	05/19/92
614–0084620–2	05/26/92
614–0084724–2	06/02/92
614–0084725–9	06/02/92
614–0084981–8	06/14/92
614–0084982–6	06/14/92
614–0084983–4	06/14/92
614–0086456–9	08/11/92
614–0086707–5	08/21/92
614–0086807–3	08/28/92
614–0086808–1	08/28/92
614–0088148–0	11/05/92
614–0088687–7	11/24/92
614–0091241–8	03/30/93
614–0091756–5	04/22/93
614–0091803–5	04/26/93
614–0096840–2	12/06/93
614–0095883–3	10/22/93
614–0095940–1	10/21/93
614–0096051–6	10/22/93
614–0096058–1	10/22/93
614–0096063–1	10/25/93
614–0096069–8	10/25/93
614–0100624–4	04/28/94
614–0100701–0	05/02/94
614–0099508–2	06/07/94
614–0002824–9	02/09/95
788–1003306–4	07/14/89

SEC. 1409. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1990 THROUGH 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
521–0010813–4	11/28/90
521–0011263–1	3/15/91
551–2047066–5	3/18/92
551–2047231–5	3/19/92
551–2047441–0	3/20/92
551–2053210–0	4/28/92
819–0565392–9	12/12/92

SEC. 1410. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 THROUGH 1995.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
614–2716855–6	10–11–89
614–2717619–5	11–11–89
614–2717846–4	11–25–89
614–2722580–2	09–01–90
614–2723739–3	11–03–90
614–2722163–7	08–04–90
614–2723558–7	10–25–90
614–2723104–0	09–29–90
614–2720674–5	05–10–90
614–2721638–9	07–07–90
614–2718704–4	01–06–90
614–2718411–6	12–16–89
614–2719146–7	02–03–90
614–2719562–5	03–03–90
614–2726258–1	04–26–91
614–2726290–4	05–03–91
614–2725646–8	03–21–91
614–2725926–4	04–06–91
614–2725443–0	02–23–91
614–0081157–8	12–02–91
614–0081303–8	12–03–91
614–2725276–4	02–09–91
614–2728765–3	10–05–91
614–2729005–3	10–19–91
614–2728060–9	08–24–91
614–2727885–0	08–10–91
614–2726744–0	06–01–91
614–2726987–5	06–15–91
614–2725094–1	01–26–91
614–2724766–4	01–07–91
614–2724768–1	12–30–90
614–0084694–7	05–30–92
614–0085303–4	06–30–92
614–0081812–8	01–07–92
614–0082595–8	02–23–92
614–0083467–9	03–31–92
614–0083466–1	03–31–92
614–0083680–7	04–18–92
614–0084025–4	05–02–92
614–0092533–7	05–14–93
614–0093248–1	06–25–93
614–0095915–3	10–26–93
614–0095752–0	10–13–93
614–0095753–8	10–13–93
614–0095275–2	09–24–93
614–0095445–1	10–07–93
614–0095421–2	10–08–93
614–0095814–8	10–22–93
614–0095813–0	10–22–93
614–0095811–4	10–22–93
614–0095914–6	10–26–93
614–0102424–7	06–23–94
614–0096922–8	12–07–93
614–0001090–8	10–20–94
614–0006610–8	06–23–95
614–0004345–3	03–29–95
614–0005582–0	04–28–95

SEC. 1411. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 AND 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any

other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
812–0507705–0	07/27/89
812–0507847–0	08/03/89
812–0507848–8	08/03/89
812–0509191–1	10/18/89
812–0509247–1	10/25/89
812–0509584–7	11/08/89
812–0510077–9	12/08/89
812–0510659–4	01/12/90

SEC. 1412. NEOPRENE SYNCHRONOUS TIMING BELTS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate the entry described in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of the entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY.—The entry referred to in subsection (a) is the following:

Entry number	Date of entry	Date of liquidation
469–0015023–9	11/14/89	3/9/90

SEC. 1413. RELIQUIDATION OF DRAWBACK CLAIM NUMBER R74–10343996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1994	R74–1034399 6	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1414. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1993	R74–1034035 6	07/03/96
April 1993	R74–1034070 3	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1415. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS OF MERCHANDISE FROM MAY 1993 TO JULY 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
May 1993	R74–1034098 4	07/03/96
June 1993	R74–1034126 3	07/03/96
July 1993	R74–1034154 5	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1416. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS CLAIMS FILED BETWEEN APRIL 1994 AND JULY 1994.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
April 1994	R74–1034427 5	07/03/96
May 1994	R74–1034462 2	07/03/96
July 1994	C04–0032112 8	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1417. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
August 1993	R74–1034189 1	07/03/96
September 1993	R74–1034217 0	07/03/96
December 1993	R74–1034308 7	07/03/96
January 1994	R74–1034336 8	07/03/96
February 1994	R74–1034371 5	07/03/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1418. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1997.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Drawback Claim Number	Filing Date
WJU1111015–0	May 30, 1997
WJU1111030–9	August 6, 1997
WJU1111006–9	April 16, 1997
WJU1111005–2	February 26, 1997

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1419. RELIQUIDATION OF DRAWBACK CLAIM NUMBER WJU1111031–7.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Drawback Claim Number	Filing Date
WJU1111031–7 (excluding Invoice #24051)	October 16, 1997

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1420. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF ATHLETIC SHOES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221–0590991–9
221–0890500–5 through 221–0890675–5
221–0890677–1 through 221–0891427–0
221–0891430–4 through 221–0891537–6
221–0891539–2 through 221–0891554–1
221–0891556–6 through 221–0891557–4
221–0891559–0
221–0891561–6 through 221–0891565–7
221–0891567–3 through 221–0891578–0
221–0891582–0
221–0891584–8 through 221–0891587–1
221–0891589–7
221–0891592–1 through 221–0891597–0
221–0891604–4 through 221–0891605–1
221–0891607–7 through 221–0891609–3

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1421. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate each entry described in subsection (b) by applying the column 1 general rate of duty of the Harmonized Tariff Schedule of the United States to each entry that is reliquidated, regardless of whether the entry was made under the column 1 special rate of duty of such Schedule.

(b) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Port of Entry	Date of Entry
T71-0000954-9	2809	10/16/96
T71-0000965-5	2809	11/05/96
T71-0000966-3	2809	11/05/96
T71-0000968-9	2809	11/25/96
T71-0000969-7	2809	12/23/96

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the reliquidation of an entry described in subsection (b) shall be paid not later than 90 days after the date of such reliquidation.

SEC. 1422. DRAWBACK OF FINISHED PETROLEUM DERIVATIVES

(a) ADDITION OF CRUDE OIL, VINYL CHLORIDE, TEREPHTHALIC ACID, TRIMELLITIC ANYDRIDE, ISOPHTHALIC ACID, ACRYLONITRILE, LUBRICATING OIL ADDITIVES, AND PREPARED ADDITIVES FOR MINERAL OILS FOR SUBSTITUTION.—

(1) IN GENERAL.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended—

(A) by inserting ''2709.00,'' after ''2708,''; and

(B) by striking ''2902, and 2909.19.14'' and inserting ''and 2902, and subheadings 2903.21.00, 2909.19.14, 2917.36, 2917.39.04, 2917.39.15, 2926.10.00, 3811.21.00, and 3811.90.00''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply to—

(A) any drawback claim filed on or after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(b) DESIGNATION OF CERTAIN FINISHED PETROLEUM DERIVATIVES AS COMMERCIALLY INTERCHANGEABLE.—Section 313(p)(3)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(B)) is amended by adding at the end the following: ''If an article is referred to under the same eight-digit classification of the Harmonized Tariff Schedule of the United States as the qualified article on January 1, 2000, then whether or not the article has been reclassified under another eight-digit classification after January 1, 2000, the article shall be deemed to be an article that is referred to under the same eight-digit classification of such Schedule as the qualified article for purposes of the preceding sentence.''.

SEC. 1423. RELIQUIDATION OF CERTAIN ENTRIES OF SELF-TAPPING SCREWS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 7318.12 of the Harmonized Tariff Schedule of the United States (relating to wood screws); and

(2) shall reliquidate such merchandise under subheading 7318.14 of the Harmonized Tariff Schedule of the United States (relating to self-tapping screws), depending upon their diameter, at the rate of duty then applicable for such merchandise.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Philadelphia, are as follows:

Entry No.	Date of entry	Liquidation Date
Av1–0893629–3	08–11–93	01–14–94
Av1–0893735–8	09–09–93	01–14–94
Av1–0893766–3	09–20–93	01–14–94
Av1–0893809–1	10–13–93	01–14–94
Av1–0893810–9	10–11–93	01–14–94
Av1–0893811–7	10–06–93	01–14–94
Av1–0893846–3	10–19–93	03–18–94
Av1–0893872–9	10–25–93	01–14–94
Av1–0893873–7	10-25–93	01–14–94
Av1–0893904–0	11–02–93	03–18–94
Av1–0893913–1	11–08–93	01–14–94
Av1–0893936–2	11–15–93	01–14–94
Av1–0893949–5	11–18–93	01–14–94
Av1–0893963–6	11–22–93	01–14–94
Av1–0893981–8	11–30–93	03–18–94
Av1–0894012–1	12–06–93	03–18–94
Av1–0894013–9	12–06–93	03–18–94
Av1–0894057–6	12–20–93	03–18–94
Av1–0894058–4	12–20–93	03–18–94
Av1–0894095–6	12–29–93	04–01–94
Av1–0894100–4	01–05–94	04–01–94
Av1–0894108–7	01–04–94	04–22–94
Av1–0894159–0	01–31–94	05–20–94
Av1–0894222–6	02–14–94	04–08–94
Av1–0894245–7	02–19–94	04–08–94
Av1–0894274–7	02–25–94	04–08–94
Av1–0894298–6	03–07–94	04–22–94
Av1–0894299–4	03–08–94	04–22–94
Av1–0894335–6	03–14–94	05–06–94
Av1–0894348–9	03–17–94	05–06–94
Av1–0894355–4	03–30–94	05–06–94
Av1–0894382–8	03–24–94	06–17–94
Av1–0894420–6	04–06–94	06–17–94
Av1–0894429–7	04–11–94	06–24–94
Av1–0894356–2	04–04–94	08–12–94
Av1–0894516–1	05–23–94	07–29–94
Av1–0894517–9	05–23–94	07–29–94
Av1–0894531–0	06–01–94	07–29–94
Av1–0894570–8	05–27–94	09–30–94
Av1–0894580–7	05–31–94	07–29–94
Av1–0894606–0	06–07–94	07–29–94
Av1–0894607–8	06–15–94	07–29–94
Av1–0894608–6	06–06–94	07–29–94
Av1–0894661–5	06–21–94	08–19–94
Av1–0894682–1	06–24–94	08–12–94
Av1–0894685–4	07–05–94	08–12–94
Av1–0894697–9	07–06–94	08–12–94
Av1–0894698–7	07–12–94	08–12–94
Av1–0894820–7	07–27–94	09–16–94
Av1–0894910–6	08–18–94	09–30–94

SEC. 1424. RELIQUIDATION OF CERTAIN ENTRIES OF VACUUM CLEANERS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 8509.80.00 of the Harmonized Tariff Schedule of the United States; and

(2) shall reliquidate such merchandise under subheading 8509.10.00 of the Harmonized Tariff Schedule of the United States at the duty-free rate then applicable for such appliances.

(b) PAYMENTS OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the ports indicated, are as follows:

Port of Entry	Entry Number	Date of Entry	Date of Liquidation
Baltimore, MD	004–7872032–9	1/11/99	11/19/99
Los Angeles, CA	004–7849971–8	11/19/98	10/1/99
Los Angeles, CA	004–7852693–2	11/25/98	10/8/99
Los Angeles, CA	004–7852699–9	11/25/98	10/8/99
Los Angeles, CA	004–7852722–9	11/25/98	10/8/99
Los Angeles, CA	004–7861673–3	12/8/98	10/22/99
Los Angeles, CA	004–7861692–3	12/8/98	10/22/99
Los Angeles, CA	004–7861704–6	12/8/98	10/22/99
Los Angeles, CA	004–7867000–3	12/17/98	11/5/99
Los Angeles, CA	004–7867004–5	12/17/98	11/5/99
Los Angeles, CA	004–7875266–0	1/3/99	11/19/99
Los Angeles, CA	004–7870717–7	1/6/99	11/5/99
Los Angeles, CA	004–7870733–4	1/6/99	11/5/99
Los Angeles, CA	004–7877886–3	1/7/99	11/19/99
Los Angeles, CA	004–7875246–2	1/13/99	11/12/99
San Francisco, CA	004–7850789–0	11/20/98	10/8/99
San Francisco, CA	004–7864752–2	12/14/98	10/29/99
San Francisco, CA	004–7869967–1	12/22/98	11/5/99
San Francisco, CA	004–7872055–0	1/11/99	11/12/99
Seattle, WA	004–7847960–3	11/17/98	10/1/99
Seattle, WA	004–7850796–5	11/20/98	10/8/99
Seattle, WA	004–7856642–5	12/2/98	10/15/99
Seattle, WA	004–7861684–0	12/8/98	10/22/99
Seattle, WA	004–7861909–1	12/9/98	10/22/99
Seattle, WA	004–7866974–0	12/17/98	10/29/99
Seattle, WA	004–7870790–4	1/6/99	11/12/99
Seattle, WA	004–7877856–6	1/8/99	11/19/99
Seattle, WA	004–7875238–9	1/13/99	11/12/99
Tacoma, WA	004–7861076–9	12/8/98	10/22/99
Tacoma, WA	004–7869848–3	12/31/98	11/19/99
Tacoma, WA	004–7955061–8	5/7/99	7/2/99
Chicago, IL	004–7843214–9	11/10/98	11/25/98
Newark, NJ	004–7854863–9	11/30/98	10/15/99
Newark, NJ	004–7872138–4	1/11/99	11/19/99
New York City/ JFK	004–7866439–4	12/16/98	10/29/99
Miami, FL	004–7859052–4	12/4/98	10/15/99
Miami, FL	004–7872013–9	1/11/99	11/12/99

SEC. 1425. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF CONVEYOR CHAINS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
110–0790274–3	April 2, 1996
110–0790467–3	April 3, 1996
110–0790424–4	April 8, 1996
110–0790537–3	April 11, 1996
110–0790637–1	April 11, 1996
110–0790754–4	April 17, 1996
110–0790655–3	April 23, 1996
110–0790690–0	April 24, 1996
110–0790938–3	April 29, 1996
110–0791044–9	May 3, 1996
110–0790873–2	May 3, 1996
110–0791060–5	May 8, 1996
110–0791198–3	May 15, 1996
110–0791255–1	May 17, 1996
110–0791403–7	May 31, 1996
110–0791555–4	June 5, 1996
110–0791506–7	June 5, 1996
110–0791665–1	June 11, 1996
110–0791621–4	June 12, 1996
110–0791766–7	June 20, 1996
110–0791863–2	June 24, 1996
110–0791832–7	June 26, 1996
110–0792094–3	July 6, 1996
110–0792098–4	July 10, 1996
110–0792216–2	July 15, 1996
110–0792287–3	July 20, 1996
110–0792366–5	August 1, 1996
110–0792570–2	August 7, 1996
110–0792644–5	August 14, 1996
110–0792790–6	August 22, 1996
110–0792926–6	August 27, 1996
110–0792935–7	August 29, 1996
110–0793053–8	September 5, 1996
110–0793054–6	September 5, 1996
110–0793023–1	September 10, 1996

Entry number	Date of entry
110–0793092–6	September 13, 1996
110–0793246–8	September 16, 1996
110–0793440–7	October 1, 1996
110–0793345–8	October 1, 1996
110–0793499–3	October 3, 1996
110–0793495–1	October 3, 1996
110–0793596–6	October 10, 1996
110–0793542–0	October 14, 1996
110–0793656–8	October 18, 1996
110–0793725–1	October 23, 1996
110–0793775–6	October 28, 1996
110–0793962–0	October 30, 1996
110–0794019–8	November 10, 1996
110–0794066–9	November 11, 1996
110–0793839–0	November 11, 1996
110–0794200–4	November 14, 1996
110–0794242–6	November 15, 1996
110–0794358–0	November 26, 1996
110–0794408–3	November 26, 1996
110–0794335–8	November 27, 1996
110–0794459–6	December 2, 1996
110–0794442–2	December 4, 1996
110–0794610–4	December 9, 1996
110–0794592–4	December 11, 1996
110–0794704–5	December 13, 1996
110–0794667–4	December 19, 1996
110–0794893–6	December 30, 1996
110–0794928–0	December 30, 1996
110–0794965–2	January 4, 1997
110–0795166–6	January 10, 1997
110–0795237–5	January 14, 1997
110–0795256–5	January 15, 1997
110–0795478–5	February 2, 1997
110–0795526–1	February 3, 1997
110–0795484–3	February 6, 1997
110–0795611–1	February 7, 1997
110–0795563–4	February 13, 1997
110–0795757–2	February 17, 1997
110–0795735–8	February 19, 1997
110–0795820–8	February 19, 1997
110–0795968–5	February 27, 1997
110–0795959–4	February 27, 1997
110–0796083–2	March 4, 1997
110–0796289–5	March 17, 1997
110–0796115–2	March 18, 1997
110–0796272–1	March 19, 1997
110–0796375–2	March 20, 1997
110–0796390–1	March 26, 1997
110–0796480–0	March 27, 1997
110–0790469–9	April 3, 1996
110–0791663–6	June 12, 1996
110–0792017–4	July 1, 1996
110–0792106–5	July 10, 1996
110–0792890–4	August 22, 1996
110–0793215–3	September 20, 1996
110–0793340–9	September 23, 1996
110–0793405–0	September 30, 1996
110–0795102–1	January 1, 1997
110–0795349–8	January 23, 1997
110–0795672–3	February 11, 1997

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

SEC. 1431. SHORT TITLE.

This chapter may be cited as the ''Product Development and Testing Act of 2000''.

SEC. 1432. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1)(A) A substantial amount of development and testing occurs in the United States incident to the introduction and manufacture of new products for both domestic consumption and export overseas.

(B) Testing also occurs with respect to merchandise that has already been introduced into commerce to insure that it continues to meet specifications and performs as designed.

(2) The development and testing that occurs in the United States incident to the introduction and manufacture of new products, and with respect to products which have already been introduced into commerce, represents a significant industrial activity employing highly-skilled workers in the United States.

(3)(A) Under the current laws affecting the importation of merchandise, such as the provisions of part I of title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), goods commonly referred to as ''prototypes'', used for product development testing and product evaluation purposes, are subject to customs duty upon their importation into the United States unless the prototypes qualify for duty-free treatment under special trade programs or unless the prototypes are entered under a temporary importation bond.

(B) In addition, the United States Customs Service has determined that the value of prototypes is to be included in the value of production articles if the prototypes are the result of the same design and development effort as the articles.

(4)(A) Assessing duty on prototypes twice, once when the prototypes are imported and a second time thereafter as part of the cost of imported production merchandise, discourages development and testing in the United States, and thus encourages development and testing to occur overseas, since, in that case, duty will only be assessed once, upon the importation of production merchandise.

(B) Assessing duty on these prototypes twice unnecessarily inflates the cost to businesses, thus reducing their competitiveness.

(5) Current methods for avoiding the excessive assessment of customs duties on the importation of prototypes, including the use of temporary importation entries and obtaining drawback, are unwieldy, ineffective, and difficult for both importers and the United States Customs Service to administer.

(b) PURPOSE.—The purpose of this chapter is to promote product development and testing in the United States by permitting the importation of prototypes on a duty-free basis.

SEC. 1433. AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) HEADING.—Subchapter XVII of Chapter 98 is amended by inserting in numerical sequence the following new heading:

''	9817.85.01	Prototypes to be used exclusively for development, testing, product evaluation, or quality control purposes	Free		The rate applicable in the absence of this heading		''.

(b) U.S. NOTE.—The U.S. Notes to subchapter XVII of chapter 98 are amended by adding at the end the following:

''6. The following provisions apply to heading 9817.85.01:

''(a) For purposes of this subchapter, including heading 9817.85.01, the term 'prototypes' means originals or models of articles that—

''(i) are either in the preproduction, production, or postproduction stage and are to be used exclusively for development, testing, product evaluation, or quality control purposes; and

''(ii) in the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development, or quality control in either the product itself or the means for producing the product).

For purposes of clause (i), automobile racing for purse, prize, or commercial competition shall not be considered to be ''development, testing, product evaluation, or quality control.''.

''(b)(i) Prototypes may be imported only in limited noncommercial quantities in accordance with industry practice.

''(ii) Except as provided for by the Secretary of the Treasury, prototypes or parts of prototypes may not be sold after importation into the United States or be incorporated into other products that are sold.

''(c) Articles subject to quantitative restrictions, antidumping orders, or countervailing duty orders may not be classified as prototypes under this note. Articles subject to licensing requirements, or which must comply with laws, rules, or regulations administered by agencies other than the United States Customs Service before being imported, may be classified as prototypes if they comply with all applicable provisions of law and otherwise meet the definition of 'prototypes' under paragraph (a).''.

SEC. 1434. REGULATIONS RELATING TO ENTRY PROCEDURES AND SALES OF PROTOTYPES.

(a) IDENTIFICATION OF PROTOTYPES.—The Secretary of the Treasury shall promulgate regulations regarding the identification of prototypes at the time of importation into the United States in accordance with the provisions of this chapter and the amendments made by this chapter.

(b) SALES OF PROTOTYPES.—Not later than 10 months after the date of enactment of this Act, the Secretary of the Treasury shall promulgate final regulations regarding the sale of prototypes entered under heading 9817.85.01 of the Harmonized Tariff Schedule of the United States as scrap, or waste, or for recycling, if all duties are tendered for sales of the prototypes, including prototypes and parts of prototypes incorporated into other products, as scrap, waste, or recycled materials, at the rate of duty in effect for such scrap, waste, or recycled materials at the time of importation of the prototypes.

SEC. 1435. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to—

(1) an entry of a prototype under heading 9817.85.01, as added by section 1433(a), on or after the date of enactment of this Act; and

(2) an entry of a prototype (as defined in U.S. Note 6(a) to subchapter XVII of chapter 98, as added by section 1433(b)) under heading 9813.00.30 for which liquidation has not become final as of the date of enactment of this Act.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

SEC. 1441. SHORT TITLE.

This chapter may be cited as the ''Dog and Cat Protection Act of 2000''.

SEC. 1442. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true nature of the fur and mislead United States wholesalers, retailers, and consumers.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.

(4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.

(5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.

(6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.

(8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.

(9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States because it applies equally to domestic and foreign producers and avoids any discrimination among foreign sources of competing products. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES.—The purposes of this chapter are to—

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1443. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

(a) IN GENERAL.—Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

"SEC. 308. PROHIBITION ON IMPORTATION OF DOG AND CAT FUR PRODUCTS.

''(a) DEFINITIONS.—In this section:

''(1) CAT FUR.—The term 'cat fur' means the pelt or skin of any animal of the species Felis catus.

''(2) INTERSTATE COMMERCE.—The term 'interstate commerce' means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

''(3) CUSTOMS LAWS.—The term 'customs laws of the United States' means any other law or regulation enforced or administered by the United States Customs Service.

''(4) DESIGNATED AUTHORITY.—The term 'designated authority' means the Secretary of the Treasury, with respect to the prohibitions under subsection (b)(1)(A), and the President (or the President's designee), with respect to the prohibitions under subsection (b)(1)(B).

''(5) DOG FUR.—The term 'dog fur' means the pelt or skin of any animal of the species Canis familiaris.

''(6) DOG OR CAT FUR PRODUCT.—The term 'dog or cat fur product' means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

''(7) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

''(8) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

''(b) PROHIBITIONS.—

''(1) IN GENERAL.—It shall be unlawful for any person to—

''(A) import into, or export from, the United States any dog or cat fur product; or

''(B) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

''(2) EXCEPTION.—This subsection shall not apply to the importation, exportation, or transportation, for noncommercial purposes, of a personal pet that is deceased, including a pet preserved through taxidermy.

''(c) PENALTIES AND ENFORCEMENT.—

''(1) CIVIL PENALTIES.—

''(A) IN GENERAL.—Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under title 18, United States Code, or any other provision of law, be assessed a civil penalty by the designated authority of not more than—

''(i) $10,000 for each separate knowing and intentional violation;

''(ii) $5,000 for each separate grossly negligent violation; or

''(iii) $3,000 for each separate negligent violation.

''(B) DEBARMENT.—The designated authority may prohibit a person from importing, exporting, transporting, distributing, manufacturing, or selling any fur product in the United States, if the designated authority finds that the person has engaged in a pattern or practice of actions that has resulted in a final administrative determination with respect to the assessment of civil penalties for knowing and intentional or grossly negligent violations of any provision of this section or any regulation issued under this section.

''(C) FACTORS IN ASSESSING PENALTIES.—In determining the amount of civil penalties under this paragraph, the designated authority shall take into account the degree of culpability, any history of prior violations under this section, ability to pay, the seriousness of the violation, and such other matters as fairness may require.

''(D) NOTICE.—No penalty may be assessed under this paragraph against a person unless the person is given notice and opportunity for a hearing with respect to such violation in accordance with section 554 of title 5, United States Code.

''(2) FORFEITURE.—Any dog or cat fur product manufactured, taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, imported, or exported contrary to the provisions of this section or any regulation issued under this section shall be subject to forfeiture to the United States.

''(3) ENFORCEMENT.—The Secretary of the Treasury shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(A), and the President shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(B).

''(4) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the designated authorities shall, after notice and opportunity for comment, issue regulations to carry out the provisions of this section. The regulations of the Secretary of the Treasury shall provide for a process by which testing laboratories, whether domestic or foreign, can qualify for certification by the United States Customs Service by demonstrating the reliability of the procedures used for determining the type of fur contained in articles intended for sale or consumption in interstate commerce. Use of a laboratory certified by the United States Customs Service to determine the nature of fur contained in an item to which subsection (b) applies is not required to avoid liability under this section but may, in a case in which a person can establish that the goods imported were tested by such a laboratory and that the item was not found to be a dog or cat fur product, prove dispositive in determining whether that person exercised reasonable care for purposes of paragraph (6).

''(5) REWARD.—The designated authority shall pay a reward of not less than $500 to any person who furnishes information that establishes or leads to a civil penalty assessment, debarment, or forfeiture of property for any violation of this section or any regulation issued under this section.

''(6) AFFIRMATIVE DEFENSE.—Any person accused of a violation under this section has a defense to any proceeding brought under this section on account of such violation if that person establishes by a preponderance of the evidence that the person exercised reasonable care—

''(A) in determining the nature of the products alleged to have resulted in such violation; and

''(B) in ensuring that the products were accompanied by documentation, packaging, and labeling that were accurate as to the nature of the products.

''(7) COORDINATION WITH OTHER LAWS.—Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

''(d) PUBLICATION OF NAMES OF CERTAIN VIOLATORS.—The designated authorities shall, at least once each year, publish in the Federal Register a list of the names of any producer, manufacturer, supplier, seller, importer, or exporter, whether or not located within the customs territory of the United States or subject to the jurisdiction of the United States, against whom a final administrative determination with respect to the assessment of a civil penalty for a knowing and intentional or a grossly negligent violation has been made under this section.

''(e) REPORTS.—In order to enable Congress to engage in active, continuing oversight of this section, the designated authorities shall provide the following:

''(1) PLAN FOR ENFORCEMENT.—Within 3 months after the date of enactment of this section, the designated authorities shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that United States Government personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

''(2) REPORT ON ENFORCEMENT EFFORTS.—Not later than 1 year after the date of enactment of this section, and on an annual basis thereafter, the designated authorities shall submit a report to Congress on the efforts of the United States Government to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of United States Government personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section. The report shall include the findings of the designated authorities as to whether any

government has engaged in a pattern or practice of support for trade in products the importation of which are prohibited under this section.''.

(b) CONFORMING AMENDMENT.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by inserting ''(other than any dog or cat fur product to which section 308 of the Tariff Act of 1930 applies)'' after ''shall not include such articles''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1451. ALTERNATIVE MID-POINT INTEREST ACCOUNTING METHODOLOGY FOR UNDERPAYMENT OF DUTIES AND FEES.

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by striking ''For the period beginning on'' and all that follows through ''the Secretary may prescribe'' and inserting ''The Secretary may prescribe''.

SEC. 1452. EXCEPTION FROM MAKING REPORT OF ARRIVAL AND FORMAL ENTRY FOR CERTAIN VESSELS.

(a) REPORT OF ARRIVAL AND FORMAL ENTRY OF VESSELS.—(1) Section 433(a)(1)(C) of the Tariff Act of 1930 (19 U.S.C. 1433(a)(1)(C)) is amended by striking ''bonded merchandise, or''.

(2) Section 434(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1434(a)(3)) is amended by striking ''bonded merchandise or''.

(3) Section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) is amended in subsection (a)(2) by striking ''bonded merchandise or''.

(b) ADDITIONAL AMENDMENT.—Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by adding at the end the following new paragraph:

''(6) Any vessel required to anchor at the Belle Isle Anchorage in the waters of the Detroit River in the State of Michigan, for the purposes of awaiting the availability of cargo or berthing space or for the purpose of taking on a pilot or awaiting pilot services, or at the direction of the Coast Guard, prior to proceeding to the Port of Toledo, Ohio, where the vessel makes entry under section 434 or obtains clearance under section 4197 of the Revised Statutes of the United States.''.

SEC. 1453. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) DESIGNATION.—For the 2-year period beginning on the date of the enactment of this Act, the Commissioner of the Customs Service shall designate the San Antonio International Airport in San Antonio, Texas, as an airport at which private aircraft described in subsection (b) may land for processing by the Customs Service in accordance with section 122.24(b) of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of San Antonio International Airport in San Antonio, Texas; and

(2) would otherwise be required to land for processing by the Customs Service at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term ''private aircraft'' has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

(d) REPORT.—The Commissioner of the Customs Service shall prepare and submit to Congress a report on the implementation of this section for 2001 and 2002.

SEC. 1454. INTERNATIONAL TRAVEL MERCHANDISE.

Section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) is amended by adding at the end the following:

''(c) INTERNATIONAL TRAVEL MERCHANDISE.—

''(1) DEFINITIONS.—For purposes of this section—

''(A) the term 'international travel merchandise' means duty-free or domestic merchandise which is placed on board aircraft on international flights for sale to passengers, but which is not merchandise incidental to the operation of a duty-free sales enterprise;

''(B) the term 'staging area' is an area controlled by the proprietor of a bonded warehouse outside of the physical parameters of the bonded warehouse in which manipulation of international travel merchandise in carts occurs;

''(C) the term 'duty-free merchandise' means merchandise on which the liability for payment of duty or tax imposed by reason of importation has been deferred pending exportation from the customs territory;

''(D) the term 'manipulation' means the repackaging, cleaning, sorting, or removal from or placement on carts of international travel merchandise; and

''(E) the term 'cart' means a portable container holding international travel merchandise on an aircraft for exportation.

''(2) BONDED WAREHOUSE FOR INTERNATIONAL TRAVEL MERCHANDISE.—The Secretary shall by regulation establish a separate class of bonded warehouse for the storage and manipulation of international travel merchandise pending its placement on board aircraft departing for foreign destinations.

''(3) RULES FOR TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE AND BONDED WAREHOUSES AND STAGING AREAS.—(A) The proprietor of a bonded warehouse established for the storage and manipulation of international travel merchandise shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. The warehouse proprietor's bond shall also secure the manipulation of international travel merchandise in a staging area.

''(B) A transfer of liability from the international carrier to the warehouse proprietor occurs when the carrier assigns custody of international travel merchandise to the warehouse proprietor for purposes of entry into warehouse or for manipulation in the staging area.

''(C) A transfer of liability from the warehouse proprietor to the international carrier occurs when the bonded warehouse proprietor assigns custody of international travel merchandise to the carrier.

''(D) The Secretary is authorized to promulgate regulations to require the proprietor and the international carrier to keep records of the disposition of any cart brought into the United States and all merchandise on such cart.''.

SEC. 1455. CHANGE IN RATE OF DUTY OF GOODS RETURNED TO THE UNITED STATES BY TRAVELERS.

Subchapter XVI of chapter 98 is amended as follows:

(1) Subheading 9816.00.20 is amended—

(A) effective January 1, 2000, by striking ''10 percent'' each place it appears and inserting ''5 percent'';

(B) effective January 1, 2001, by striking ''5 percent'' each place it appears and inserting ''4 percent''; and

(C) effective January 1, 2002, by striking ''4 percent'' each place it appears and inserting ''3 percent''.

(2) Subheading 9816.00.40 is amended—

(A) effective January 1, 2000, by striking ''5 percent'' each place it appears and inserting ''3 percent'';

(B) effective January 1, 2001, by striking ''3 percent'' each place it appears and inserting ''2 percent''; and

(C) effective January 1, 2002, by striking ''2 percent'' each place it appears and inserting ''1.5 percent''.

SEC. 1456. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN INTERNATIONAL ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter XVII of chapter 98 is amended by inserting in numerical sequence the following new heading:

''	9817.60.00	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics and Paralympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow			Free	Free''.

(b) TAXES, FEES, INSPECTION.—The U.S. Notes to chapter XVII of chapter 98 are amended by adding at the end the following new note:

''6. Any article exempt from duty under heading 9817.60.00 shall be free of taxes and fees that may otherwise be applicable, but shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.''

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse, for consumption, on or after the date of the enactment of this Act.

(c) TERMINATION OF TEMPORARY PROVISIONS.—Heading 9902.98.08 shall, notwithstanding any provision of such heading, cease to be effective on the date of the enactment of this Act.

SEC. 1457. COLLECTION OF FEES FOR CUSTOMS SERVICES FOR ARRIVAL OF CERTAIN FERRIES.

Section 13031(b)(1)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(iii)) is amended to read as follows:

''(iii) the arrival of a ferry, except for a ferry whose operations begin on or after August 1, 1999, and that operates south of 27 degrees latitude and east of 89 degrees longitude; or''.

SEC. 1458. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) IN GENERAL.—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the chemical N-tert-Butyl-2-benzothiazolesulfenamide as ''commercially interchangeable'' within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313.).

(b) APPLICABILITY.—Subsection (a) shall apply with respect to any entry, or withdrawal

from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of the enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

SEC. 1459. CARGO INSPECTION.

The Commissioner of Customs is authorized to establish a fee-for-service agreement for a period of not less than 2 years, renewable thereafter on an annual basis, at Fort Lauderdale-Hollywood International Airport. The agreement shall provide personnel and infrastructure necessary to conduct cargo clearance, inspection, or other customs services as needed to accommodate carriers using this airport. When such servcies have been provided on a fee-for-service basis for at least 2 years and the commercial consumption entry level reaches 29,000 entries per year, the Commissioner of Customs shall continue to provide cargo clearance, inspection or other customs services, and no charges, other than those fees authorized by section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), may be collected for those services.

SEC. 1460. TREATMENT OF CERTAIN MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE ENTRY.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following:

''(j) TREATMENT OF MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE TRANSACTION.—In the case of merchandise that is purchased and invoiced as a single entity but—

''(1) is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

''(2) is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.''.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to carry out section 484(j) of the Tariff Act of 1930, as added by subsection (a).

SEC. 1461. REPORT ON CUSTOMS PROCEDURES.

(a) REVIEW AND REPORT.—The Secretary of the Treasury shall—

(1) review, in consultation with United States importers and other interested parties, including independent third parties selected by the Secretary for the purpose of conducting such review, customs procedures and related laws and regulations applicable to goods and commercial conveyances entering the United States; and

(2) report to the Congress, not later than 180 days after the date of enactment of this Act, on changes that should be made to reduce reporting and record retention requirements for commercial parties, specifically addressing changes needed to—

(A) separate fully and remove the linkage between data reporting required to determine the admissibility and release of goods and data reporting for other purposes such as collection of revenue and statistics;

(B) reduce to a minimum data required for determining the admissibility of goods and release of goods, consistent with the protection of public health, safety, or welfare, or achievement of other policy goals of the United States;

(C) eliminate or find more efficient means of collecting data for other purposes that are unnecessary, overly burdensome, or redundant; and

(D) enable the implementation, as soon as possible, of the import activity summary statement authorized by section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) as a means of—

(i) fully separating and removing the linkage between the functions of collecting revenue and statistics and the function of determining the admissibility of goods that must be performed for each shipment of goods entering the United States; and

(ii) allowing for periodic, consolidated filing of data not required for determinations of admissibility.

(b) SPECIFIC MATTERS.—In preparing the report required by subsection (a), the Secretary of the Treasury shall specifically report on the following:

(1) Import procedures, including specific data items collected, that are required prior and subsequent to the release of goods or conveyances, identifying the rationale and legal basis for each procedure and data requirement, uses of data collected, and procedures or data requirements that could be eliminated, or deferred and consolidated into periodic reports such as the import activity summary statement.

(2) The identity of data and factors necessary to determine whether physical inspections should be conducted.

(3) The cost of data collection.

(4) Potential alternative sources and methodologies for collecting data, taking into account the costs and other consequences to importers, exporters, carriers, and the Government of choosing alternative sources.

(5) Recommended changes to the law, regulations of any agency, or other measures that would improve the efficiency of procedures and systems of the United States Government for regulating international trade, without compromising the effectiveness of procedures and systems required by law.

SEC. 1462. DRAWBACKS FOR RECYCLED MATERIALS.

(a) IN GENERAL.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

''(x) DRAWBACKS FOR RECOVERED MATERIALS.—For purposes of subsections (a), (b), and (c), the term 'destruction' includes a process by which materials are recovered from imported merchandise or from an article manufactured from imported merchandise. In determining the amount of duties to be refunded as drawback to a claimant under this subsection, the value of recovered materials (including the value of any tax benefit or royalty payment) that accrues to the drawback claimant shall be deducted from the value of the imported merchandise that is destroyed, or from the value of the merchandise used, or designated as used, in the manufacture of the article.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to drawback claims filed on or after the date of enactment of this Act.

SEC. 1463. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 163 of the Trade Act of 1974 (19 U.S.C. 2213).

(2) Section 181 of the Trade Act of 1974 (19 U.S.C. 2241).

SEC. 1464. IMPORTATION OF GUM ARABIC.

(a) FINDINGS.—The Congress finds the following:

(1) The Republic of the Sudan produces 60 percent of the world's supply of gum arabic in raw form and has a virtual monopoly on the world's supply of the highest grade of gum arabic.

(2) The President imposed comprehensive sanctions against Sudan on November 3, 1997, under Executive Order 13067.

(3) The Secretary of the Treasury, upon recommendation of the Secretary of State, has issued limited licenses each year since the imposition of sanctions against Sudan under Executive Order 13067 to permit United States gum arabic processors to import gum arabic in raw form from Sudan due to a lack of alternative sources in other countries.

(4) The United States gum arabic processing industry consists of three small companies whose existence is threatened by the comprehensive sanctions in effect against Sudan.

(5) The United States gum arabic processing industry is working with the United States Agency for International Development to develop alternative sources of gum arabic in raw form in countries that are not subject to sanctions, but alternative sources of the highest grade of gum arabic in raw form are not currently available.

(b) LICENSE APPLICATIONS TO IMPORT GUM ARABIC FROM SUDAN.—Notwithstanding any other provision of law, the Secretary of the Treasury and the Secretary of State, in consultation with the Secretary of Commerce and the heads of other appropriate agencies—

(1) shall consider promptly any license application by a United States gum arabic processor to import gum arabic in raw form from the Republic of the Sudan; and

(2) in reviewing such license applications by United States gum arabic processors, shall consider whether adequate commercial quantities of the highest grade of gum arabic in raw form are available from countries not subject to United States sanctions in order to allow such United States processors of gum arabic to remain in business.

(c) DEVELOPMENT OF ALTERNATIVE SOURCES OF GUM ARABIC.—The President shall utilize such authority as is available to the President to promote the development in countries other than Sudan of alternative sources of the highest grade of gum arabic in raw form of sufficient commercial quality to be utilized in products intended for human consumption.

(d) DEFINITION.—In this section, the term ''gum arabic in raw form'' means gum arabic of the type described in subheadings 1301.20.00 and 1301.90.90 of the Harmonized Tariff Schedule of the United States.

SEC. 1465. CUSTOMS SERVICES AT THE DETROIT METROPOLITAN AIRPORT.

The Commissioner of the Customs Service shall re-implement the policy in effect prior to January 1, 1999, at the Detroit Metropolitan Airport to provide services at remote locations of the Airport, except that such services shall be provided only on a reimbursable basis.

Subtitle C—Effective Date

SEC. 1471. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. TRADE ADJUSTMENT ASSISTANCE FOR CERTAIN WORKERS AFFECTED BY ENVIRONMENTAL REMEDIATION OR CLOSURE OF A COPPER MINING FACILITY.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a ''qualified worker'' means a worker who—

(A) was employed at the copper mining facility referenced in Trade Adjustment Assistance Certification TAW–31,402 during any part of the period covered by that certification and was separated from employment after the expiration of that certification; and

(B) was necessary for the environmental remediation or closure of such mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 2002. CHIEF AGRICULTURAL NEGOTIATOR.

Section 5314 of title 5, United States Code, is amended by inserting after ''Deputy United States Trade Representatives (3).'' the following:

''Chief Agricultural Negotiator.''.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

SEC. 3001. FINDINGS.

Congress finds that Georgia has—

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction;

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974;

(4) made progress toward democratic rule and creating a free market economic system since its independence from the Soviet Union;

(5) demonstrated strong and effective enforcement of internationally recognized core labor standards and a commitment to continue to improve effective enforcement of its laws reflecting such standards;

(6) committed to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the ''Helsinki Final Act'') regarding human rights and humanitarian affairs;

(7) endeavored to address issues related to its national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(8) also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism;

(9) continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of Georgia and establishing the legal framework for completion of this process in the future;

(10) concluded a bilateral trade agreement with the United States in 1993 and a bilateral investment treaty in 1994;

(11) demonstrated a strong desire to build a friendly and cooperative relationship with the United States; and

(12) acceded to the World Trade Organization on June 14, 2000, and the extension of unconditional normal trade relations treatment to the products of Georgia will enable the United States to avail itself of all rights under the World Trade Organization with respect to Georgia.

SEC. 3002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO GEORGIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Georgia; and

(2) after making a determination under paragraph (1) with respect to Georgia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Georgia, title IV of the Trade Act of 1974 shall cease to apply to that country.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Imported Cigarette Compliance Act of 2000''.

SEC. 4002. MODIFICATIONS TO RULES GOVERNING REIMPORTATION OF TOBACCO PRODUCTS.

(a) RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.—Section 5754 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

''(a) EXPORT-LABELED TOBACCO PRODUCTS.—

''(1) IN GENERAL.—Tobacco products and cigarette papers and tubes manufactured in the United States and labeled for exportation under this chapter—

''(A) may be transferred to or removed from the premises of a manufacturer or an export warehouse proprietor only if such articles are being transferred or removed without tax in accordance with section 5704;

''(B) may be imported or brought into the United States, after their exportation, only if such articles either are eligible to be released from customs custody with the partial duty exemption provided in section 5704(d) or are returned to the original manufacturer of such article as provided in section 5704(c); and

''(C) may not be sold or held for sale for domestic consumption in the United States unless such articles are removed from their export packaging and repackaged by the original manufacturer into new packaging that does not contain an export label.

''(2) ALTERATIONS BY PERSONS OTHER THAN ORIGINAL MANUFACTURER.—This section shall apply to articles labeled for export even if the packaging or the appearance of such packaging to the consumer of such articles has been modified or altered by a person other than the original manufacturer so as to remove or conceal or attempt to remove or conceal (including by the placement of a sticker over) any export label.

''(3) EXPORTS INCLUDE SHIPMENTS TO PUERTO RICO.—For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

''(b) EXPORT LABEL.—For purposes of this section, an article is labeled for export or contains an export label if it bears the mark, label, or notice required under section 5704(b).

''(c) CROSS REFERENCES.—

''(1) For exception to this section for personal use, see section 5761(c).

''(2) For civil penalties related to violations of this section, see section 5761(c).

''(3) For a criminal penalty applicable to any violation of this section, see section 5762(b).

''(4) For forfeiture provisions related to violations of this section, see section 5761(c).''.

(b) CLARIFICATION OF REIMPORTATION RULES.—Section 5704(d) of such Code (relating to tobacco products and cigarette papers and tubes exported and returned) is amended—

(1) by striking ''a manufacturer of'' and inserting ''the original manufacturer of such'', and

(2) by inserting ''authorized by such manufacturer to receive such articles'' after ''proprietor of an export warehouse''.

(c) REQUIREMENT TO DESTROY FORFEITED TOBACCO PRODUCTS.—The last sentence of subsection (c) of section 5761 of such Code is amended by striking ''the jurisdiction of the United States'' and all that follows through the end period and inserting ''the jurisdiction of the United States shall be forfeited to the United States and destroyed. All vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(e) STUDY.—The Secretary of the Treasury shall report to Congress on the impact of requiring export warehouses to be authorized by the original manufacturer to receive relanded export-labeled cigarettes.

SEC. 4003. TECHNICAL AMENDMENT TO THE BALANCED BUDGET ACT OF 1997.

(a) IN GENERAL.—Subsection (c) of section 5761 of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 4004. REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following:

''TITLE VIII—REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES

''SEC. 801. DEFINITIONS.

''In this title:

''(1) SECRETARY.—Except as otherwise indicated, the term 'Secretary' means the Secretary of the Treasury.

''(2) PRIMARY PACKAGING.—The term 'primary packaging' refers to the permanent packaging inside of the innermost cellophane or other transparent wrapping and labels, if any. Warnings or other statements shall be deemed 'permanently imprinted' only if printed directly on such primary packaging and not by way of stickers or other similar devices.

''SEC. 802. REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES.

''(a) GENERAL RULE.—Except as provided in subsection (b), cigarettes may be imported into the United States only if—

''(1) the original manufacturer of those cigarettes has timely submitted, or has certified that it will timely submit, to the Secretary of Health and Human Services the lists of the ingredients added to the tobacco in the manufacture of such cigarettes as described in section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

''(2) the precise warning statements in the precise format specified in section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

''(A) the primary packaging of all those cigarettes; and

''(B) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers;

''(3) the manufacturer or importer of those cigarettes is in compliance with respect to those cigarettes being imported into the United States with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c));

''(4) if such cigarettes bear a United States trademark registered for such cigarettes, the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the

importation of such cigarettes into the United States; and

''(5) the importer has submitted at the time of entry all of the certificates described in subsection (c).

''(b) EXEMPTIONS.—Cigarettes satisfying the conditions of any of the following paragraphs shall not be subject to the requirements of subsection (a):

''(1) PERSONAL-USE CIGARETTES.—Cigarettes that are imported into the United States in personal use quantities that are allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States.

''(2) CIGARETTES IMPORTED INTO THE UNITED STATES FOR ANALYSIS.—Cigarettes that are imported into the United States solely for the purpose of analysis in quantities suitable for such purpose, but only if the importer submits at the time of entry a certificate signed, under penalties of perjury, by the consignee (or a person authorized by such consignee) providing such facts as may be required by the Secretary to establish that such consignee is a manufacturer of cigarettes, a Federal or State government agency, a university, or is otherwise engaged in bona fide research and stating that such cigarettes will be used solely for analysis and will not be sold in domestic commerce in the United States.

''(3) CIGARETTES INTENDED FOR NONCOMMERCIAL USE, REEXPORT, OR REPACKAGING.—Cigarettes—

''(A) for which the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

''(B) for which the importer submits a certificate signed by the manufacturer or export warehouse (or a person authorized by such manufacturer or export warehouse) to which such cigarettes are to be delivered (as provided in subparagraph (A)) stating, under penalties of perjury, with respect to those cigarettes, that it will not distribute those cigarettes into domestic commerce unless prior to such distribution all steps have been taken to comply with paragraphs (1), (2), and (3) of subsection (a), and, to the extent applicable, section 5754(a)(1) (B) and (C) of the Internal Revenue Code of 1986.

For purposes of this section, a trademark is registered in the United States if it is registered in the United States Patent and Trademark Office under the provisions of title I of the Act of July 5, 1946 (popularly known as the 'Trademark Act of 1946'), and a copy of the certificate of registration of such mark has been filed with the Secretary. The Secretary shall make available to interested parties a current list of the marks so filed.

''(c) CUSTOMS CERTIFICATIONS REQUIRED FOR CIGARETTE IMPORTS.—The certificates that must be submitted by the importer of cigarettes at the time of entry in order to comply with subsection (a)(5) are—

''(1) a certificate signed by the manufacturer of such cigarettes or an authorized official of such manufacturer stating under penalties of perjury, with respect to those cigarettes, that such manufacturer has timely submitted, and will continue to submit timely, to the Secretary of Health and Human Services the ingredient reporting information required by section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

''(2) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that—

''(A) the precise warning statements in the precise format required by section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

''(i) the primary packaging of all those cigarettes; and

''(ii) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers; and

''(B) with respect to those cigarettes being imported into the United States, such importer has complied, and will continue to comply, with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)); and

''(3)(A) if such cigarettes bear a United States trademark registered for cigarettes, a certificate signed by the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) stating under penalties of perjury that such owner (or authorized person) consents to the importation of such cigarettes into the United States; and

''(B) a certificate signed by the importer or an authorized official of such importer stating under penalties of perjury that the consent referred to in subparagraph (A) is accurate, remains in effect, and has not been withdrawn.

The Secretary may provide by regulation for the submission of certifications under this section in electronic form if, prior to the entry of any cigarettes into the United States, the person required to provide such certifications submits to the Secretary a written statement, signed under penalties of perjury, verifying the accuracy and completeness of all information contained in such electronic submissions.

''SEC. 803. ENFORCEMENT.

''(a) CIVIL PENALTY.—Any person who violates a provision of section 802 shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

''(b) FORFEITURES.—Any tobacco product, cigarette papers, or tube that was imported into the United States or is sought to be imported into the United States in violation of, or without meeting the requirements of, section 802 shall be forfeited to the United States. Notwithstanding any other provision of law, any product forfeited to the United States pursuant to this title shall be destroyed.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I applaud the passage of H.R. 4868. This bill includes a critically important provision that I first introduced on June 9, 1999, that bans the importation of products made with dog or cat fur. An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. We want this trade in dog and cats pelts to stop at our borders, and hopefully save millions of animals from this cruel practice. I have worked very hard to see this bill come to fruition, and I urge the President to sign it into law.

We are also helping companies across the United States to reduce their costs on vital inputs used in manufacturing a wide variety of products. Among these are provisions that help reduce the costs of potentially life-saving medicines used to treat HIV and AIDS.

I am particularly proud that this bill will have an immediate and positive impact on my home state of Delaware. There are provisions in this bill that reduce duties on imports used by Delaware companies to manufacture final products.

There are also restrictions on cigarette imports included in this legislation that will help ensure that cigarettes entering our market will fully comply with all health and labeling requirements. It will also ensure that Delaware receives its full share of payments under the tobacco settlement agreement, which will likely mean millions of additional dollars to my State and others.

THE CALENDAR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following Energy bills which are at the desk: H.R. 5083, H.R. 4957, H.R. 5331, H.R. 4404.

I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO EXTEND THE AUTHORITY OF LOS ANGELES UNIFIED SCHOOL DISTRICT TO CERTAIN PARK LANDS

The bill (H.R. 5083) to extend the authority of the Los Angeles Unified School District to use certain park lands in the City of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes, was considered, ordered to a third reading, read the third time, and passed.

TO AMEND THE OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

The bill (H.R. 4957) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZING THE FREDERICK DOUGLASS GARDENS, INC., TO ESTABLISH MEMORIAL IN HONOR OF FREDERICK DOUGLASS

The bill (H.R. 5331) to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass, was considered, ordered to a third reading, read the third time, and passed.

PAYMENT OF MEDICAL EXPENSES BY U.S. PARK POLICE

The bill (H.R. 4404) to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZING THE ATTORNEY GENERAL TO PROVIDE GRANTS TO FIND MISSING ADULTS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2780, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2780) to authorize the Attorney General to provide grants for organizations to find missing adults.

There being no objection, the Senate proceeded to consider the bill.

Mr. EDWARDS. Mr. President, I rise today to thank my colleagues for supporting Kristen's Act. Representative SUE MYRICK introduced this essential crime prevention legislation on the House side, and I introduced the Senate companion. With the Senate's action today, this measure will be set to become law. I am grateful to Representative MYRICK for her tireless efforts towards ensuring that Kristen's Act becomes law. The legislation will help public agencies and nonprofit organizations provide desperately needed assistance to law enforcement and families in locating involuntarily missing adults.

I would also like to thank Senators LEAHY and HATCH. They deserve special praise for their constant support of victim advocacy initiatives and their fight to put a stop to crime in our Nation.

Kristen's Law was inspired by the story of a young woman from North Carolina, Kristen Modafferi. On June 23, 1997, just three weeks after her 18th birthday, Kristen disappeared. Despite tireless efforts by law enforcement to locate Kristen, she has not been seen since. And tragically, the National Center for Missing and Exploited Children was unable to assist with the search, all because Kristen had passed the age of 18.

Unfortunately, Kristen's story is not unique. Numerous other cases involving the disappearance of young adults are reported to authorities every year. During 1999, in North Carolina, the Mecklenburg County Sheriff's Office received reports of 132 missing persons ages 18 through 21. That's the number for just one age group, in just one county, in just one state in the country. When we look at nationwide statistics for missing adults, what we find is staggering. For example, as of February 1999, the FBI reported that there were more than 38,000 active missing person entries for adults over the age of eighteen. This is frighteningly large number.

That is why I believe that Kristen's Act is a necessary protective measure. It will not only provide some comfort to the millions of parents who send their children to college every year and worry about their safety, but it will help ensure that when an adult of any age is determined missing due to foul play, a national effort will be mobilized to help.

When a person involuntarily disappears, time is of the essence. Search efforts must begin quickly, and they must reach across jurisdictions. Abducted individuals are often taken across state lines. In order to effectively coordinate a search, the groups conducting the search must have an easy way to share information with each other, no matter how far away from one another they may be. Kristen's Act will help facilitate communication between search parties through the establishment of a national database to track involuntarily missing adults.

The greater the number of agencies helping in the search, the more likely it is that the person will be found. But there is no central organization that exists to aid law enforcement in their efforts to locate missing adults. Unfortunately, Kristen's tragic story illustrates the need for such an organization. Kristen's Act will help enable this to happen by providing funds to help establish a national clearinghouse for missing adults.

Mr. President, I believe that it is important to mention that it is true that some individuals may disappear because they want to. Some of these individuals may live in abusive households. Others may want to start a new life. And because they are considered legal adults, they have the choice to remain missing. In these cases, it may not make sense of law enforcement, the Center, or anyone else to launch a search.

That is why I believe the Attorney General should ensure that under Kristen's Act, grants will be given out only to organizations that have demonstrated they have in place clear, effective methods of distinguishing between disappearances that are voluntary and those that may involve foul play. And that is why Kristen's Act specifies that if a national database is set up, it will be used to track only those missing adults who have first been determined by law enforcement to be endangered due to age, diminished mental capacity or suspicious circumstances.

There are many individuals who really do need help. In those instances, Kristen's Act sends a message to families that they deserve whatever assistance is necessary to locate endangered and involuntarily missing loved ones. The bill will help ensure that all involuntarily missing adults—regardless of age—will receive not only the benefit of search efforts by law enforcement, but also by experienced, specialized organizations.

Mr. President, I believe we must do everything we can to prevent situations like the one that Kristen Modafferi and her family have suffered through. The bill we passed today goes a long way toward achieving this goal. Again, I commend my colleagues for recognizing its importance.

Mr. BROWNBACK. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2780) was read the third time and passed.

MILITARY EXTRATERRITORIAL JURISDICTION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill S. 768.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 768) entitled ''An Act to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Extraterritorial Jurisdiction Act of 2000''.

SEC. 2. FEDERAL JURISDICTION.

(a) CERTAIN CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

''CHAPTER 212—MILITARY EXTRATERRITORIAL JURISDICTION

''§3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States

''(a) Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States—

''(1) while employed by or accompanying the Armed Forces outside the United States; or

''(2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice),

shall be punished as provided for that offense.

''(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

''(c) Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

''(d) No prosecution may be commenced against a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice) under this section unless—

''(1) such member ceases to be subject to such chapter; or

''(2) an indictment or information charges that the member committed the offense with one or more other defendants, at least one of whom is not subject to such chapter.

''§ 3262. Arrest and commitment

''(a) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).

''(b) Except as provided in sections 3263 and 3264, a person arrested under subsection (a) shall be delivered as soon as practicable to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such subsection unless such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

''§ 3263. Delivery to authorities of foreign countries

''(a) Any person designated and authorized under section 3262(a) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have violated section 3261(a) if—

''(1) appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

''§ 3264. Limitation on removal

''(a) Except as provided in subsection (b), and except for a person delivered to authorities of a foreign country under section 3263, a person arrested for or charged with a violation of section 3261(a) shall not be removed—

''(1) to the United States; or

''(2) to any foreign country other than a country in which such person is believed to have violated section 3261(a).

''(b) The limitation in subsection (a) does not apply if—

''(1) a Federal magistrate judge orders the person to be removed to the United States to be present at a detention hearing held pursuant to section 3142(f);

''(2) a Federal magistrate judge orders the detention of the person before trial pursuant to section 3142(e), in which case the person shall be promptly removed to the United States for purposes of such detention;

''(3) the person is entitled to, and does not waive, a preliminary examination under the Federal Rules of Criminal Procedure, in which case the person shall be removed to the United States in time for such examination;

''(4) a Federal magistrate judge otherwise orders the person to be removed to the United States; or

''(5) the Secretary of Defense determines that military necessity requires that the limitations in subsection (a) be waived, in which case the person shall be removed to the nearest United States military installation outside the United States adequate to detain the person and to facilitate the initial appearance described in section 3265(a).

''§ 3265. Initial proceedings

''(a)(1) In the case of any person arrested for or charged with a violation of section 3261(a) who is not delivered to authorities of a foreign country under section 3263, the initial appearance of that person under the Federal Rules of Criminal Procedure—

''(A) shall be conducted by a Federal magistrate judge; and

''(B) may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

''(2) In conducting the initial appearance, the Federal magistrate judge shall also determine whether there is probable cause to believe that an offense under section 3261(a) was committed and that the person committed it.

''(3) If the Federal magistrate judge determines that probable cause exists that the person committed an offense under section 3261(a), and if no motion is made seeking the person's detention before trial, the Federal magistrate judge shall also determine at the initial appearance the conditions of the person's release before trial under chapter 207 of this title.

''(b) In the case of any person described in subsection (a), any detention hearing of that person under section 3142(f)—

''(1) shall be conducted by a Federal magistrate judge; and

''(2) at the request of the person, may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

''(c)(1) If any initial proceeding under this section with respect to any such person is conducted while the person is outside the United States, and the person is entitled to have counsel appointed for purposes of such proceeding, the Federal magistrate judge may appoint as such counsel for purposes of such hearing a qualified military counsel.

''(2) For purposes of this subsection, the term 'qualified military counsel' means a judge advocate made available by the Secretary of Defense for purposes of such proceedings, who—

''(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(B) is certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member.

''§ 3266. Regulations

''(a) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations governing the apprehension, detention, delivery, and removal of persons under this chapter and the facilitation of proceedings under section 3265. Such regulations shall be uniform throughout the Department of Defense.

''(b)(1) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations requiring that, to the maximum extent practicable, notice shall be provided to any person employed by or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

''(2) A failure to provide notice in accordance with the regulations prescribed under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

''(c) The regulations prescribed under this section, and any amendments to those regulations, shall not take effect before the date that is 90 days after the date on which the Secretary of Defense submits a report containing those regulations or amendments (as the case may be) to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

''§ 3267. Definitions

''As used in this chapter:

''(1) The term 'employed by the Armed Forces outside the United States' means—

''(A) employed as a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department), as a Department of Defense contractor (including a subcontractor at any tier), or as an employee of a Department of Defense contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily resident in the host nation.

''(2) The term 'accompanying the Armed Forces outside the United States' means—

''(A) a dependent of—

''(i) a member of the Armed Forces;

''(ii) a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(iii) a Department of Defense contractor (including a subcontractor at any tier) or an employee of a Department of Defense contractor (including a subcontractor at any tier);

''(B) residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

''(C) not a national of or ordinarily resident in the host nation.

''(3) The term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a)(4) of title 10.

''(4) The terms 'Judge Advocate General' and 'judge advocate' have the meanings given such terms in section 801 of title 10.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following new item:

''212. Military extraterritorial jurisdiction ..... 3261''.

Amend the title so as to read ''An Act to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.''.

Mr. SESSIONS. Mr. President, I commend my colleague from Vermont, Senator LEAHY, for his support in getting this bill passed. Our Armed Forces and their families are in desperate need of this legislation and it has been a long time coming. This legislation

closes a legal loophole which prevented effective prosecution of certain crime committed by civilians accompanying the Armed Forces overseas. When civilian dependents, contractors, and Federal employees go overseas with the military, the Uniform Code of Military Justice and the Federal criminal code generally do not apply to them. Therefore, if one of these civilians commits a criminal act—even a serious one such as rape or child molestation—then he or she could be beyond the reach of Federal law if the foreign authorities refuse or neglect to prosecute. Surprisingly, host countries often choose to not prosecute American civilians, especially where the crime was committed against another American or against property owned by an American or the U.S. Government. That is why this legislation is needed.

Since this legislation initially passed the Senate on July 1, 1999, the House of Representatives, under the leadership of Representative MCCOLLUM of Florida, took the bill and further refined it based upon concerns that arose after Senate Consideration. In addition, Mr. MCCOLLUM submitted House Report 106–778 to accompany the House version of the bill—H.R. 3380. This report does an outstanding job of outlining the background and need for this legislation. The report also includes a section-by-section analysis and discussion of the legislation. We have agreed to incorporate the text of H.R. 3380 into this final bill. I have reviewed House Report 106–778, and I agree with it. I believe that report reflects the intentions of the Senate. At this time, I yield to my distinguished colleague from Vermont.

Mr. LEAHY. Thank you, Senator SESSIONS. Mr. President, I too, want to congratulate and commend my distinguished colleague from Alabama for his leadership and perseverance in getting this legislation passed. I fully support S. 768, which I believe was significantly improved with this most recent substitute amendment. The due process considerations regarding appearances before U.S. Magistrates before removing civilians from overseas were added after earlier Senate consideration and, I believe, improve the bill. This important legislation will close a gap in Federal law that has existed for many years. With foreign nations often not interested in prosecuting crimes against Americans, particularly when committed by an American, the result is a jurisdictional gap that allows some civilians to literally get away with murder. The House Report 106–778, which Senator SESSIONS just referred to a moment ago, outlines many of the problems resulting from this loophole. I agree with Senator SESSIONS with respect to the report. I am glad this legislation will pass this Congress because the gap that has allowed individuals accompanying our military personnel overseas to go unpunished for heinous crimes must be closed. That is why I have been a strong proponent and cosponsor of this legislation. I yield the floor.

Mr. LEAHY. Mr. President, I am pleased that the Senate is voting on final passage of S. 768, the Military and Extraterritorial Jurisdiction Act. I have worked on this issue for some time now and believe that the Congress should promptly move forward with this important legislation.

Specifically, in the last Congress, I originally introduced most of the provisions in this bill as part of the comprehensive crime bill, S. 2484, the Safe Schools, Safe Streets and Secure Borders Act of 1998. On the first day of this Congress, I again included these provisions in S. 9, the Safe Schools, Safe Streets and Secure Borders Act of 1999. Last year, I was pleased to join Senators SESSIONS and DEWINE in supporting the Sessions-Leahy-DeWine substitute amendment to S. 768, which was reported favorably by the Senate Judiciary Committee and then passed unanimously by the Senate on July 1, 1999, over a year ago. The bill then sat in a House subcommittee for almost one year until the House of Representatives finally took action in late July, 2000 to consider and pass an amended version of S. 768.

S. 768 closes a gap in federal law that has existed for many years and permitted individuals who accompanied military personnel overseas to ''get away with murder.'' Foreign nations often have no interest in vindicating crimes against American servicemen stationed overseas, particularly when committed by Americans, The lack of Federal jurisdiction over such crimes has allowed the perpetrators to go unpunished. This bill establishes authority for, and sets up procedures to implement the exercise of, Federal jurisdiction over felony crimes committed by certain people overseas.

I had some concerns with certain aspects of S. 768, as originally introduced, and worked to address those concerns and improve the bill in the Sessions-Leahy-DeWine substitute amendment. For example, the original bill would have extended court-martial jurisdiction over DOD employees and contractors whenever they accompanied our Armed Forces overseas. I was concerned that this extension of court-martial jurisdiction ran afoul of the Supreme Court's decisions in *Reid* v. *Covert,* 354 U.S. 1 (1957), *Kinsella* v. *Singleton,* 361 U.S. 234 (1960) and *Toth v. Quarles,* 350 U.S. 11 (1955). Those rulings made clear that court-martial jurisdiction may not be constitutionally applied to crimes committed in peacetime by persons accompanying the armed forces overseas, or to crimes committed by a former member of the armed services.

We made progress in the Sessions—Leahy-DeWine substitute amendment passed by the Senate to limit the proposed extension of court-martial jurisdiction to DOD employees and contractors, and ensure its application only in times when the armed forces are engaged in ''contingency operation'' involving a war or national emergency declared by the Congress or the President. While his correction would, in my view, have comported with the Supreme Court rulings on this issue and cured any constitutional infirmity with the original language, I appreciate the action of the House to remove altogether this section of the bill, which had originally given me concern.

In addition, the original bill contained a provision that would have deemed any delay in bringing a person before a magistrate due to transporting the person back to the U.S. from overseas as ''justifiable.'' I was concerned that this provision could end up excusing lengthy and unreasonable delays in getting a civilian, who was arrested overseas, before a U.S. Magistrate, and thereby raise due process and other constitutional concerns.

The Sessions-Leahy-DeWine substitute cured that potential problem by eliminating the ''justifiable'' delay provision in the original bill. Thus, the general standard from Federal Rule of Criminal Procedure 5 about avoiding unnecessary delays in bringing an arrested person before a magistrate would apply to the removal of a civilian from overseas to answer charges in the United States.

The House has made further improvements to the removal and detention procedures in the bill, and I support them. In particular, the House has clarified the procedures necessary to protect the rights of the accused in both removal and detention hearings, and to facilitate and expedite the conduct of initial appearances by the accused before federal magistrate judges.

Finally, S. 768 as introduced authorized the Department of Defense to determine which foreign officials constitute the appropriate authorities to whom an arrested civilian should be delivered. I urged that DOD make this determination in consultation with the Department of State, and the Sessions-Leahy-DeWine substitute amendment adopted such a consultation requirement. I am pleased that the House maintained this part of the substitute amendment in House-passed version of the legislation and requires consultation with the Department of State.

The inaction of the Congress on closing the jurisdictional gap that has existed over the criminal actions of civilian on military installations overseas has been the source of terrible injustice. For example, most recently the Second Circuit Court of Appeals was compelled to reverse a conviction and dismiss an indictment of sexual abuse of a minor committed by a civilian at a military base in Germany. The Court took the ''unusual step of directing the Clerk of the court to forward a copy this opinion'' to the relevant Committees of the Congress. We have gotten our wake-up call and should waste no more time to send this legislation to the President.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING TITLE 44, U.S. CODE, TO ENSURE PRESERVATION OF THE RECORDS OF THE FREEDMEN'S BUREAU

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5157, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5157) to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (H.R. 5157) was read the third time and passed.

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3045, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3045) to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, on June 9, 1999, our departed friend and colleague, the former senior Senator from Georgia, introduced the National Forensic Sciences Improvement Act of 1999. This important legislative initiative called for an infusion of Federal funds to improve the quality of State and local forensic science services. I am pleased that Senator SESSIONS has revived the bill, and that we are passing it today as the Paul Coverdell National Forensic Sciences Improvement Act of 2000, S. 3045.

The use of quality forensic science services is widely accepted as a key to effective crime-fighting, especially with advanced technologies such as DNA testing. Over the past decade, DNA testing has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene. Because of its scientific precision, DNA testing can, in some cases, conclusively establish a suspect's guilt or innocence. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value for investigators.

While DNA's power to root out the truth has been a boon to law enforcement, it has also been the salvation of law enforcement's mistakes—those who for one reason or another, are prosecuted and convicted of crimes that they did not commit. In more than 75 cases in the United States and Canada, DNA evidence has led to the exoneration of innocent men and women who were wrongfully convicted. This number includes at least 9 individuals sentenced to death, some of whom came within days of being executed. In more than a dozen cases, moreover, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the real perpetrator.

Clearly, forensic science services like DNA testing are critical to the effective administration of justice in 21st century America.

Forensic science workloads have increased significantly over the past five years, both in number and complexity. Since Congress established the Combined DNA Index System in the mid-1990s, States have been busy collecting DNA samples from convicted offenders for analysis and indexing. Increased Federal funding for State and local law enforcement programs has resulted in more and better trained police officers who are collecting immense amounts of evidence that can and should be subjected to crime laboratory analysis.

Funding has simply not kept pace with this increasing demand, and State crime laboratories are now seriously bottlenecked. Backlogs have impeded the use of new technologies like DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as laboratories are required to give priority status to those cases in which a suspect is known. In some parts of the country, investigators must wait several months—and sometimes more than a year—to get DNA test results from rape and other violent crime evidence. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large, victims continue to anguish, and statutes of limitation on prosecution expire.

Let me describe the situation in my home State. The Vermont Forensics Laboratory is currently operating in an old Vermont State Hospital building in Waterbury, Vermont. Though it is proudly one of only two fully-accredited forensics labs in New England, it is trying to do 21st century science in a 1940's building. The lab has very limited space and no central climate control—both essential conditions for precise forensic science. It also has a large storage freezer full of untested DNA evidence from unsolved cases, for which there are no other leads besides the untested evidence. The evidence is not being processed because the lab does not have the space, equipment or manpower.

I commend the scientists and lab personnel at the Vermont Forensics Laboratory for the fine work they do everyday under difficult circumstances. But the people of the State of Vermont deserve better. This is our chance to provide them with the facilities and equipment they deserve.

Passage of the Paul Coverdell National Forensic Sciences Improvement Act will give States like Vermont the help they desperately need to handle the increased workloads placed upon their forensic science systems. It allocates $738 million over the next six years for grants to qualified forensic science laboratories and medical examiner's offices for laboratory accreditation, automated equipment, supplies, training, facility improvements, and staff enhancements.

I have worked with Senator SESSIONS to revise the bill's allocation formula to make it fair for all States. We have agreed to add a minimum allocation of .06 percent of the total appropriation for each fiscal year for smaller states and have increased the maximum percentage of federal funds available for facility costs from 40 percent to 80 percent for these smaller states. This is only fair for smaller States with limited tax bases and other finite resources, such as my home State of Vermont.

The bill we pass today also authorizes $30 million for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and other related purposes. I support this provision, although I regret that it does not go further. Senator SCHUMER and I have proposed increasing this authorization by $25 million, which is the amount needed to eliminate the backlog of untested crime scene evidence from unsolved crimes. This backlog is as serious a problem as the convicted offender sample backlog, and we should take the opportunity to address it now.

I am also deeply disappointed that S. 3045 fails to address the urgent need to increase access to DNA testing for prisoners who were convicted before this truth-seeking technology became widely available. Prosecutors and law enforcement officers across the country use DNA testing to prove guilt, and rightly so. By the same token, however, it should be used to do what is equally scientifically reliable to do—prove innocence.

I was greatly heartened earlier this month when the Governor of Virginia finally pardoned Earl Washington, after new DNA tests confirmed what earlier DNA tests had shown: He was the wrong guy. He was the 88th wrong guy discovered on death row since the reinstatement of capital punishment. His case only goes to show that we cannot sit back and assume that prosecutors and courts will do the right thing

when it comes to DNA. It took Earl Washington years to convince prosecutors to do the very simple tests that would prove his innocence, and more time still to win a pardon. And he is still in prison today.

States like Virginia continue to stonewall on requests for DNA testing. They continue to hide behind time limits and procedural default rules to deny prisoners the right to present DNA test results in court. They are still destroying the DNA evidence that could set innocent people free. These sorts of practices must stop. We should not pass up the promise of truth and justice for both sides of our adversarial system that DNA evidence offers.

By passing S. 3045, we substantially increase funding to improve the quality and availability of DNA analysis for law enforcement purposes. That is an appropriate use of Federal funds. But we at least ought to require that this truth-seeking technology be made available to both sides.

I proposed a modest Sense of Congress amendment to S. 3045, which the Senate is passing today. It describes how DNA testing can and has resulted in the post-conviction exoneration of scores of innocent men and women, including some under sentence of death, and expresses the sense of Congress that we should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases. Because post-conviction DNA testing has shown that innocent people are sentenced to death in this country with alarming frequency, and because the most common constitutional error in capital cases is egregiously incompetent defense lawyering, my amendment also calls on Congress to work with the States to improve the quality of legal representation in capital cases through the establishment of counsel standards.

I introduced legislation in this Congress that would have accomplished both of these things. The Innocence Protection Act of 2000 contains meaningful reforms that I believe could save innocent lives. As the 106th Congress winds down, we have 14 cosponsors in the Senate, and about 80 in the House. We have Democratic and Republican cosponsors, supporters of the death penalty and opponents. President Clinton, Vice-President GORE, and Attorney General Reno have all expressed support for the bill.

Tragically, real reform of our nation's capital punishment system foundered on the shoals of election-year politics. But with the Sense of Congress provision that we pass today, at least we have agreed on a blueprint for effective reform legislation in the 107th Congress.

Finally, I want to discuss another amendment that I proposed, together with Senator SESSIONS, and that the Senate passes today. It concerns the Civil Asset Forfeiture Reform Act of 2000, which the Senate passed on March 27, 2000.

The Civil Asset Forfeiture Reform Act was an important step forward, and I want to thank Mr. HYDE, Mr. CONYERS and Senators SESSIONS, SCHUMER, BIDEN, and all others who worked with us in good faith to enact these long overdue reforms. At the same time, there was some unfinished business in connection with this legislation that my amendment completes.

The bill that the Senate passed by unanimous consent on March 27th was supposed to be a substitute amendment to H.R. 1658. I had been led to believe that the substitute was word-for-word that which I had painstakingly worked out over the preceding weeks for approval by the Senate Committee on the Judiciary the previous Thursday, March 23, 2000. Imagine my surprise to see reprinted in the RECORD the next day a substitute amendment at variance with the version to which I had agreed to and at variance with the language that had been circulated to and approved by the Committee.

Specifically, the agreed upon version of the bill would amend section 983(a)(2)(C) of title 18, United States Code, to describe what a claimant in a civil asset forfeiture case must state to assert a claim. The amendment to which I agreed and which the Judiciary Committee ''ordered reported'' requires that a ''claim shall—(i) identify the specific property being claimed; (ii) state the claimant's interest in such property; and (iii) be made under oath, subject to penalty of perjury.''

By contrast, the version of the amendment submitted to the Senate for passage contained the following additional clause in subparagraph (ii): ''state the claimant's interest in such property (and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous''. I did not approve the language inserted in the version considered by the Senate and this language was not approved by the Judiciary Committee.

The inserted language is superfluous at best, since even without it, a claimant must provide evidence of his interest in the property early in the proceeding or face summary dismissal for lack of standing. Moreover, a claim already must be made under oath and penalty of perjury.

At worst, the inserted language is an invitation for mischief in an area where the record has already amply demonstrated overreaching by law enforcement agencies. At the claim stage, most claimants do not have counsel. Many are uneducated and unsophisticated. They may not know what ''customary documentary evidence'' means, and even if they do, they may not know how to get it. It is not so simple for such individuals to obtain a bank statement or a title document, much less to obtain such documents within the 30 days afforded by the Act. They may be deterred from filing a claim simply because they cannot produce documentary evidence—even if no documentary evidence exists.

Take for example an all cash seizure. What constitutes ''customary documentary evidence'' of an interest in cash? An ATM receipt? A bank record? What about money that is received from legitimate sources other than financial institutions. A waiter would be hard pressed to produce documentary evidence of his interest in tip money.

Beyond this, the inserted language gives seizing agencies too much discretion to reject claims because the documentary evidence is incomplete or otherwise unsatisfactory, and prior experience tells us that agencies may exercise their discretion to deny claims arbitrarily.

The requirement that claims be certified as non-frivolous is also problematic. If an uncounseled claimant certifies in good faith that his claim is not frivolous, and a court ultimately determines otherwise, would the claimant be put at risk of a perjury prosecution? Even the threat of such risks puts additional burdens on claimants and may dissuade claimants from filing claims.

In sum, the inserted language has the potential to deter valid claims as well as frivolous claims, and it is unnecessary: Frivolous claims will be dismissed anyway, when the claimant is unable to meet his burden of establishing standing.

For these reasons, I had objected to insertion of this language and approved a substitute amendment that did not contain this problematic insert. Moreover, the version of that substitute amendment ''ordered reported'' by the Judiciary Committee and in the Committee's official files simply does not contain that problematic insert.

We rely every day on each other and on the professionalism of our staffs. Having raised my concern about the change as soon as it was discovered, I am pleased that Chairman HATCH and Senator SESSIONS have worked with me to pass a correction to the law that strikes the language that was added without agreement.

I hope that the House will move quickly to pass the Paul Coverdell National Forensic Sciences Improvement Act, as amended, before it winds up its work for the year.

AMENDMENT NO. 4345

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. SESSIONS, proposes an amendment numbered 4345.

The amendment reads as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Paul Coverdell National Forensic Sciences Improvement Act of 2000''.

SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES.

(a) DESCRIPTION OF DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 375(b)) is amended—

(1) in paragraph (25), by striking ''and'' at the end;

(2) in paragraph (26), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.''.

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

''(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

''(A) forensic science laboratory or forensic science laboratory system, that—

''(i) employs 1 or more full-time scientists—

''(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

''(II) who provide testimony with respect to such physical evidence to the criminal justice system;

''(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

''(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

''(B) medical examiner's office (as defined by the National Association of Medical Examiners) that—

''(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

''(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.''.

(c) PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS

''SEC. 2801. GRANT AUTHORIZATION.

''The Attorney General shall award grants to States in accordance with this part.

''SEC. 2802. APPLICATIONS.

''To request a grant under this part, a State shall submit to the Attorney General—

''(1) a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

''(2) a certification that any forensic science laboratory system, medical examiner's office, or coroner's office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations; and

''(3) a specific description of any new facility to be constructed as part of the program described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 2804(c).

''SEC. 2803. ALLOCATION.

''(a) IN GENERAL.—

''(1) POPULATION ALLOCATION.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

''(2) DISCRETIONARY ALLOCATION.—Twenty-five percent of the amount made available to carry out this part in each fiscal year shall be allocated pursuant to the Attorney General's discretion to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

''(3) MINIMUM REQUIREMENT.—Each State shall receive not less than 0.6 percent of the amount made available to carry out this part in each fiscal year.

''(4) PROPORTIONAL REDUCTION.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

''(b) STATE DEFINED.—In this section, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

''(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

''(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

''SEC. 2804. USE OF GRANTS.

''(a) IN GENERAL.—A State that receives a grant under this part shall use the grant to carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

''(b) PERMITTED CATEGORIES OF FUNDING.—Subject to subsections (c) and (d), a grant awarded under this part—

''(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

''(2) may not be used for any general law enforcement or nonforensic investigatory function.

''(c) FACILITIES COSTS.—

''(1) STATES RECEIVING MINIMUM GRANT AMOUNT.—With respect to a State that receives a grant under this part in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

''(2) OTHER STATES.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

''(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

''(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

''(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount of a grant awarded under this part may be used for administrative expenses.

''SEC. 2805. ADMINISTRATIVE PROVISIONS.

''(a) REGULATIONS.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

''(b) EXPENDITURE RECORDS.—

''(1) RECORDS.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

''(2) ACCESS.—The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this part, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

''SEC. 2806. REPORTS.

''(a) REPORTS TO ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this part, each State that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

''(1) a summary and assessment of the program carried out with the grant;

''(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency; and

''(3) such other information as the Attorney General may require.

''(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit

to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

''(1) the aggregate amount of grants awarded under this part for that fiscal year; and

''(2) a summary of the information provided under subsection (a).''.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

''(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

''(A) $35,000,000 for fiscal year 2001;

''(B) $85,400,000 for fiscal year 2002;

''(C) $134,733,000 for fiscal year 2003;

''(D) $128,067,000 for fiscal year 2004;

''(E) $56,733,000 for fiscal year 2005; and

''(F) $42,067,000 for fiscal year 2006.''.

(B) BACKLOG ELIMINATION.—There is authorized to be appropriated $30,000,000 for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and for other related purposes, as provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001.

(3) TABLE OF CONTENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the table of contents.

(4) REPEAL OF 20 PERCENT FLOOR FOR CITA CRIME LAB GRANTS.—Section 102(e)(2) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(2)) is amended—

(A) in subparagraph (B), by adding ''and'' at the end; and

(B) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.

(a) IN GENERAL.—Section 983(a)(2)(C)(ii) of title 18, United States Code, is amended by striking ''(and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 2(a) of Public Law 106–185.

SEC. 4. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as ''DNA testing'') has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in this country;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.

Amend the title to read as follows: ''A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.''.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be considered read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4345) was agreed to.

The bill (S. 3045), as amended, was read the third time and passed.

RECOGNIZING THAT THE BIRMINGHAM PLEDGE HAS MADE A SIGNIFICANT CONTRIBUTION IN FOSTERING RACIAL HARMONY

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.J. Res. 102, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4347

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. SESSIONS, proposes an amendment numbered 4347.

The amendment reads as follows:

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

''I believe that every person has worth as an individual.

''I believe that every person is entitled to dignity and respect, regardless of race or color.

''I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

''Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

''I will discourage racial prejudice by others at every opportunity.

''I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.'';

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors, State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is ''Sign It, Live It'', is a powerful tool for facilitating dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

Mr. SESSIONS. Mr. President, I rise today to offer an amendment in the nature of a substitute to H.J. Res. 102, recognizing the ''Birmingham Pledge'' and its author, Birmingham attorney James E. Rotch, for the contributions it and he have made to healing wounds of racial prejudice that still, unfortunately, divide segments of our society. The Birmingham Pledge is a powerful declaration that has had a profound impact on those who have heard or seen it. It uses words of conviction and purpose that promote racial harmony by helping people communicate about racial issues in a positive way and by encouraging people to make a commitment to racial harmony. By affixing our signatures to the message conveyed by these words, we are, in effect, saying to the world that we stand for freedom and equality for all, regardless of race or color. Further, we are saying that we will not tolerate discrimination leveled at anyone simply because of their race or color. The words of the Pledge are as follows:

I believe that every person has worth as an individual. I believe that every person is entitled to dignity and respect, regardless of race or color. I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others. Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions. I will discourage racial prejudice by others at every opportunity. I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.

These words do not reflect any new science or ground-breaking theory, instead they reflect the time-honored principles, not always followed, that have made this country the greatest example of individual liberty and freedom the world has ever known.

The words of the Birmingham Pledge are reflective of those used by Thomas Jefferson in penning the Declaration of Independence so may years ago. Jefferson wrote that ''all Men are created equal, [and] that they are endowed by their Creator with certain unalienable Rights.'' That language is clear. Thousands of citizens in Birmingham and Alabama and throughout this country and the world have recommitted themselves to these principles, and by offering this Pledge to the rest of the country, we ask everyone else to be rededicated to them, too. By signing this pledge, people make an outward showing of that commitment. Again, that is why I, on behalf of my constituents, offer this Joint Resolution. In addition to calling us to our uniquely American heritage, the words of the Birmingham Pledge also recognize Birmingham's unfortunate history as a site of significant civil rights confrontation. The Pledge conveys, as does the city's political and economic reality, that Birmingham has moved forward from that difficult time in its history to a more complete embrace of the principles embodied in this Pledge. Indeed, the city has experienced an astonishing measure of social, political, and economic progress in recent years.

More than 70,000 people around the world have seen the merit of the Birmingham Pledge and signed it because they thought it was the right thing to do. Those signing it include the President, Members of Congress, Governors, state legislators, mayors, county commissioners, city council members, clergymen, students, and the list goes on. The point is, a broad cross-section of our society has embraced the high principles conveyed in the Birmingham Pledge because they see it as a powerful tool to facilitate dialogue on racial issues and additionally as a way for people to take personal steps to achieve racial harmony and tolerance in the communities in which they live. This Resolution simply recognizes the good work that the Birmingham Pledge has already accomplished, and the potential it has for further progress in this important area of our national and international life. In order to increase awareness of the Birmingham Pledge and to further its message, this resolution calls for the establishment of a National Birmingham Pledge Week. Setting aside such a period of time to further the message of the Birmingham Pledge and to celebrate the marked progress we have made in the area of racial harmony would be a fitting way to recognize the influence the Pledge is having on race relations in communities all across America and around the world.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment to the joint resolution be agreed to, and the joint resolution, as amended, be read the third time and passed, the amendment to the preamble and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4347) was agreed to.

The joint resolution (H.J. Res. 102), as amended, was read the third time and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

CORRECTING ENROLLMENT OF THE BILL S. 1474

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 156, submitted by Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 156) to make a correction in the enrollment of the bill S. 1474.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 156) was agreed to, as follows:

S. CON. RES. 156

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1474) providing for the conveyance of the Palmetto Bend project to the State of Texas, the Secretary of the Senate shall make the following correction:

In section 7(a), insert ''not'' after ''shall''.

MINORITY HEALTH AND HEALTH DISPARITIES RESEARCH AND EDUCATION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Health Committee be discharged from further consideration of S. 1880, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1880) to amend the Public Health Service Act to improve the health of minority individuals.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4349

Mr. BROWNBACK. Mr. President, Senator FRIST has a substitute amendment at the desk for himself and others.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) for Mr. FRIST, for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, Mr. ENZI, Mr. WELLSTONE, Mr. HUTCHINSON, Mrs. MURRAY, Ms. COLLINS, Mr. AKAKA, Mr. BOND, Mr. LAUTENBERG, Mr.

HATCH, Mr. CLELAND, and Mr. SESSIONS, proposes an amendment numbered 4349.

The PRESIDING OFFICER. Without objection, reading of the amendment is dispensed with.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. FRIST. Mr. President. Every day, through personal experience or the news, we are reminded of the tremendous scientific advances that have been made in medicine; but unfortunately, millions of Americans still experience serious disparities in health outcomes as a result of ethnicity, race, gender, or a lack of access to health care services.

Recent studies have demonstrated that minority populations, in addition to having lower rates of health care access, exhibit poorer health outcomes and may have higher rates of HIV/AIDS, diabetes, infant mortality, death from cancer and heart disease, and other health problems. For example, when compared to whites, the mortality rate for prostate cancer is nearly twice that for black men; and while African Americans make up only 13 percent of our nations's population, they represented 49 percent of AIDS deaths in 1998. Further, compared to whites, the prevalence of diabetes in Hispanic individuals is nearly double. In my home state of Tennessee, African Americans have an infant mortality rate nearly three times that of white Tennesseans, and Tennessee's African Americans suffer from heart disease at one and a half times that rate of whites and are twice as likely to suffer a stroke.

The Jackson Sun recently published an investigative report, ''What's Killing Us?: The Color of Death 10 Years Later,'' which analyzes health data specific to West Tennessee. The report highlighted that, ''[African Americans] in West Tennessee die at a much higher rate—370 percent higher for hypertension for example—than whites with the same diseases,'' and made it clear that we have failed to close the gap between death rates for black and white citizens over the last ten years. West Tennessee is a snapshot of what is happening around the country, and the lessons apply broadly. The report provides key lessons to improve health that are applicable to all Americans including the need for targeted research, improved education and public awareness, increased prevention measures, and better access to care.

However, health disparities are not limited to minority communities. Medically underserved populations located in rural Appalachia, which include significant portions of my home state of Tennessee, exhibit health disparities consistent with minority populations. In rural Appalachia, where only one doctor exists for every 1,025 patients, white males between 35 and 64 are 19 percent more likely to die of heart disease than their counterparts elsewhere in the country, and white Appalachian women are 21 percent more likely to die of heart disease. Moreover, barriers to care are undermining thee health of many communities, including rural areas where poverty and the lack of a health care infrastructure often inhibit the ability to prevent or treat health care conditions.

In order to address the issue of health disparities, in June of this year the National Institutes of Health (NIH) announced that it began the administrative process to elevate the current NIH Office of Research on Minority Health to a center. In July, I held a Public Health Subcommittee hearing, ''Health Disparities: Bridging the Gap,'' to focus on how to address minority health disparities and what measures we should take to improve minority health.

During this hearing, the Subcommittee examined health care disparities among minorities, rural and underserved populations, and women. Witnesses ranging from the Administration to experts representing the minority and underserved communities testified that a Center on Minority Health and Health Disparities is needed to focus national attention on this unrelenting problem. My friend and fellow Tennessean, Dr. John Maupin, President of Meharry Medical College of Nashville, said it best when he testified that ''ethnic minority and medically underserved populations continue to suffer disproportionately from virtually every disease and we can no longer sit idly by without addressing this national crisis.''

Today, I am pleased to introduce the Minority Health and Health Disparities Research and Education Act of 2000, with Senators KENNEDY and JEFFORDS. The Minority Health and Health Disparities Research and Education Act will expand research and education for the biomedical, behavioral, economic, institutional, and environmental factors contributing to health disparities in minority and medically underserved populations.

This legislation establishes a National Center on Minority Health and Health Disparities at NIH; a grant program through the new Center to further biomedical and behavioral research, education, and training; an endowment program to facilitate minority and other health disparities research at centers of excellence; and an extramural loan repayment program to train members of minority or other health disparities populations as biomedical research professionals.

This bill also directs the Agency for Healthcare Research and Quality (AHRQ) to conduct and support research to identify populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access, as well as the causes and barriers to reducing health disparities. Additionally, AHRQ is able to identify, test, and evaluate strategies for reducing or eliminating health disparities; develop measures and tools for the assessment and improvement of the outcomes, quality, and appropriateness of health care services; and increase the number of researchers who are members of health disparity populations, or the health services research capacity of institutions that train such researchers.

Furthermore, this Act provides resources under the Health Resources and Services Administration for research and demonstration projects for the training and education of health professionals in reducing disparities in health care outcomes. A national campaign to inform the public and a plan for the dissemination of information and findings under all Titles of the Act is also established under the bill.

Health disparities may be the result of many factors, including limited access to prevention and treatment services, poverty and socioeconomic factors, exposure to environmental toxins, and even cultural factors. Turning our back on these disparities would be a national failure. Every Tennessean and every American deserves the best quality of health regardless of their race, ethnicity, sex, or where they live. With the concerted efforts of those supporting this bill, I'm certain that we can take the necessary steps to reverse our nation's health disparities.

I am pleased that the Minority Health and Health Disparities Research and Education Act is supported by Meharry Medical College in Nashville, Tennessee; East Tennessee State University (ETSU) in Johnson City, Tennessee; Morehouse School of Medicine in Atlanta, Georgia; and the Association of Minority Health Professions Schools. Dr. Ronald Franks of ETSU wrote of his support for this legislation because it identifies ''health populations as a priority in the nation's health agenda and the recognition of the health disparities in the Appalachian region.''

Mr. President, I would like to express my gratitude to Dr. John Maupin of Meharry Medical College, and Dr. Ronald Franks and Dr. Bruce Behringer of East Tennessee State University for their dedication to helping the minority and medically underserved populations in Tennessee and for their counsel and assistance on this legislation. I would also like to thank my colleagues for their work and dedication to this issue, and I look forward to the enactment of the bill this year.

Mr. KENNEDY. Mr. President, I strongly support passage of the Minority Health and Health Disparities Research and Education Act of 2000. I commend Senator FRIST for his leadership on the issue of health disparities in our minority and underserved communities. I also commend the many Senators on both sides of the aisle who worked hard to ensure that the principles of equal justice and opportunity apply to health care. Health care

should be a basic right. With our current economic prosperity and the extraordinary recent advances in medicine, we should be able to guarantee that right to all Americans.

The extraordinary advances in health care in recent decades have not been shared by all our citizens. Minority communities suffer disproportionately from higher rates of death from cancer, stroke, and heart disease, as well as from higher rates of HIV/AIDS, diabetes, and other severe health problems. Africa American men who contract prostate cancer are more than twice as likely to die from it as white men. Vietnamese American women are five times more likely than white women to contract cervical cancer. Hispanic women are twice as likely to contract cervical cancer. Native Hawaiian men are 13 percent more likely to contract lung cancer. Alaskan Native women are 72 percent more likely to contract colon cancer and rectal cancer. In addition, African Americans and Hispanic Americans are more likely to be diagnosed with cancer after the disease has reached an advanced stage. For African Americans, the result is a 35 percent higher death rate.

The reality of poverty clearly affects the nation's health. Nearly 20 million white Americans live below the poverty line and many live in rural areas such as Appalachia, where 46 percent of counties are designated as health professions shortage areas and high rates of poverty contribute to health disparity outcomes. The lack of a health care facilities or benefits often means poor health care and often a poor prognosis for what might have been a preventable or curable condition. In the Appalachia regions of Kentucky, Tennessee, and West Virginia, the rates of the five top causes of death in the U.S. all exceeded the national, average in 1997. Lack of availability and access to health care for poor and underserved regions often goes hand in hand with higher morbidity and mortality rates. Higher rates of heart disease in white males between the ages of 35 and 64 and cervical cancer in white females are also found in Appalachia. We must find better answers to identify and overcome the barriers to care that lead to dire outcomes in underserved communities.

While we have continued to make progress in the reduction of child poverty, child mortality, teenage pregnancy, and juvenile violence, we continue to see wide disparities by race and income, with communities of color and those in poverty lagging behind others. Infant mortality rate has declined nationally from 10.9 infant deaths for every 1,000 live births in 1983 to 7.2 in 1998. But among African Americans, the rate is 13.7—more than twice the rate of any other group. In addition, far too many people across this nation lack the health insurance that is necessary for access to basic health care. Over one-third of Hispanic Americans are uninsured, the highest rate among all ethnic groups and two and a half time the rate of 14% for whites. Nearly one-fourth of African Americans, and about one-fifth of Asian Americans are also uninsured.

In Massachusetts, significant progress has been made in improving the overall health status and access to health care. We are one of a handful of states in the country to devote the tobacco settlement money entirely to health care. Yet our significant commitment to health care is not translating into equal access or improved health status for all of our citizens. Health status differs by racial/ethnic group and by income group and the differences are reflected in the alarming discrepancy in mortality rates. The infant mortality rate for African-Americans is 11.7—over twice as high as the overall statewide rate of 5.3.

The same pattern exists for the HIV/AIDS-related mortality rate, which is more than six times greater for African-Americans and more than four times greater for Hispanics. African American women are more likely to lose their lives to breast cancer, and nearly six times a many Asian-American women and nearly two times as many Hispanic women have never taken a Pap test, which is essential in detection cervical cancer. Clearly, too many citizens are not benefitting from the advances made in science, medicine, and the economy.

The Minority Health and Health Disparities Research and Education Act addresses the biomedical, behavioral, economic, institutional, and environmental factors that have caused health disparities in communities of color and in undeserved communities around our nation. It provides needed resources for research, data collection, medical education, and public awareness, in order to understand the root causes of diseases and poor health outcomes and to develop strategies to meet the health needs of these vulnerable communities. Each of these aspects has an important role to play in the reduction and eventual elimination of the unacceptable disparities that now exist.

Title I of the bill establishes a Center for Research on Minority Health and Health Disparities at the National Institutes of Health. It also provides resources to educational institutions to train minority individuals as biomedical research professionals.

Title II focuses on identifying, evaluating, and disseminating information on the factors that contribute to health disparities.

Title III addresses the critical need for trained and culturally competent health care professionals by providing resources to develop effective educational support.

Title IV enhances the collection of data on race and ethnicity to determine what steps the federal government should take to ensure that all necessary information is collected.

Title V provides funding for a public awareness and information campaign to inform minority communities of the health conditions that are affecting them disproportionately and of the programs and services available to them.

Passage of the Minority Health and Health Disparities Research and Education Act demonstrates our strong commitment a healthier future for all our citizens. America has the resources to accomplish this goal and I urge the Senate to achieve it.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4349) was agreed to.

The bill (S. 1880), as amended, was passed.

THE AMERICAN MUSEUM OF SCIENCE AND ENERGY

Mr. BROWNBACK. I ask unanimous consent that the Senate proceed to the consideration of H.R. 4940, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4940) to designate the museum operated by the Secretary of Energy at Oak Ridge, Tennessee, as the American Museum of Science and Energy, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4348

Mr. BROWNBACK. Mr. President, Senators MURKOWSKI, FRIST, and BINGAMAN have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. MURKOWSKI, for himself, Mr. FRIST, and Mr. BINGAMAN, proposes an amendment numbered 4348.

The PRESIDING OFFICER. Without objection, reading of the amendment is dispensed with.

The amendment is as follows:

"SECTION 1. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

''(a) IN GENERAL.—The Museum—

''(1) is designated as the 'American Museum of Science and Energy'; and

''(2) shall be the official museum of science and energy of the United States.

''(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the 'American Museum of Science and Energy'.

''(c) PROPERTY OF THE UNITED STATES.—

''(1) IN GENERAL.—The name 'American Museum of Science and Energy' is declared the property of the United States.

''(2) USE.—The Museum shall have the sole right throughout the United States and its possessions to have and use the name 'American Museum of Science and Energy'.

''(3) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

"SEC. 2. AUTHORITY.

''To carry out the activities of the Museum, the Secretary may—

''(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

''(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

''(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

''(2) operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

''(A) relevant to the contents of the Museum; and

''(B) informative, educational, and tasteful;

''(3) collect reasonable fees where feasible and appropriate;

''(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

''(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines; and

''(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.

"SEC. 3. MUSEUM VOLUNTEERS.

''(a) AUTHORITY TO USE VOLUNTEERS.—The Secretary may recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.

''(b) STATUS OF VOLUNTEERS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), service by a volunteer under subsection (a) shall not be considered Federal employment.

''(2) EXCEPTIONS.—

''(A) FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code, a volunteer under subsection (a) shall be treated as an employee of the government (as defined in section 2671 of that title).

''(B) COMPENSATION FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code, a volunteer described in subsection (a) shall be treated as an employee (as defined in section 8101 of title 5, United States Code).

''(c) COMPENSATION.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

"SEC. 4. DEFINITIONS.

''For purposes of this Act:

''(1) MUSEUM.—The term 'Museum' means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Energy or a designated representative of the Secretary.''

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4348) was agreed to.

The bill (H.R. 4940), as amended, was passed.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. BROWNBACK. Mr. President, in executive session, I ask unanimous consent that the following nominations be discharged from the respective committees and, further, the Senate proceed to their consideration, en bloc, along with the following nominations on the calendar. They are as follows:

From the Governmental Affairs Committee, Don Harrel and Thomas Fink;

From the Foreign Relations Committee, Marc Nathanson, Norman Pattiz, Tom Korologos, and Robert Ledbetter;

On the calendar, Nos. 547, 548, 549, 642, 643, 700, 701, 702, and 703.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Don Harrell, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2002.

Thomas A. Fink, of Alaska, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003.

BROADCASTING BOARD OF GOVERNORS

Marc B. Nathanson, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001.

Marc B. Nathanson, of California, to be Chairman of the Broadcasting Board of Governors.

Norman J. Pattiz, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001.

Tom C. Korologos, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001.

Robert M. Ledbetter, Jr. of Mississippi, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003.

UNITED STATES POSTAL SERVICE

Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2008.

OFFICE OF PERSONNEL MANAGEMENT

Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics for a term of five years.

FEDERAL LABOR RELATIONS AUTHORITY

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2004.

BROADCASTING BOARD OF GOVERNORS

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003.

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003.

PEACE CORPS

Mark L. Schneider, of California, to be Director of the Peace Corps.

THE JUDICIARY

John Ramsey Johnson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Gerald Risher, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

POSTAL RATE COMMISSION

George, A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.